

**MONITORING RESPECT FOR HUMAN RIGHTS
AROUND THE WORLD: A REVIEW OF THE
“COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES FOR 2005”**

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS
OF THE
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MONITORING RESPECT FOR HUMAN RIGHTS AROUND THE WORLD: A REVIEW OF THE “COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2005”

THURSDAY, MARCH 16, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:04 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. We will begin the hearing by the Africa, Global Human Rights and International Operations Subcommittee, and we are reviewing today the State Department's 2005 *Country Reports on Human Rights Practices*, and in doing so also examine the state of respect for human rights around the world. Perhaps it would be most useful to begin by reminding ourselves of some of the basic principles of human rights.

Most importantly, human rights are not a concession or a benefit conferred by a state; they are the entitlement of every human person on the basis of that person's inherent dignity and human worth. Thus, the Universal Declaration for Human Rights and subsequent international human rights treaties did not establish human rights, they recognized those rights. Therefore, human rights cannot be abrogated or otherwise removed by any government. They are entitlements preexisting and superseding the prerogatives of the government and as such are either respected or violated.

Certain human rights are fundamental and are the basis for the recognition and enjoyment of all other human beings. Foremost of these is the right to life. If a human being is denied or threatened with denial of right to life, the existence of other rights is meaningless. Any attempts to exclude any category of human beings from the invaluable right to life at the whim of expediency or the more powerful undermines and threatens the respect of life of all peoples.

A determination to take the life of one human being easily translates into taking the life of another, limited only by the relative power of the aggressor and the vulnerability of the one whose life is threatened. It is for these reasons that the life of every human

being from conception to natural death is of such critical, overriding importance.

As affirmed by the Universal Declaration for Human Rights, liberty, justice, and peace in the world are built on the foundation of the recognition of the inherent dignity and of the equally inalienable rights of all members of the human family. Human rights are central to the United States' foreign policy not only because they are a moral imperative, but also because they are essential to any effort to establish and maintain a democratic, peaceful, stable society. Those who ignore or repudiate human rights are sowing the seeds of instability, rebellion, and violence.

The *Country Reports on Human Rights Practices* are among the most important tasks undertaken by the Department of State. These reports allow the United States an opportunity to bear witness, to reassert fundamental principles, and also to examine its own conscience about whether its foreign policy comports with these principles.

Other annual reports such as the *Trafficking in Persons Reports* and the *Report on International Religious Freedom* also shine the spotlight on specific human rights areas which bear closer examination.

Although the human rights mechanism of the United Nations is not directly germane to the release of the country reports, the importance of the adoption yesterday by the General Assembly of the resolution establishing the new Human Rights Council is of such importance that it must be included in the discussion of this hearing. I personally am deeply disappointed and dismayed that the United Nations adopted such a weak and deeply flawed replacement for the discredited Human Rights Commission. Furthermore, the new Council's anticipated promotion of the goals and commitments emanating from the UN conferences and summits, measures not intended by the negotiating member states to be on par with human rights treaties, will dilute and trivialize the solemn importance rightly attributed to fundamental human rights.

Many of us in Congress will be watching the development of the new Council very closely, and we will strongly encourage the Administration to work assiduously to not only ensure that this new Council promotes and defends human rights, but also that it does not distort the established and accepted framework of fundamental human rights.

The 2005 country reports document reveals several important steps taken by the governments around the world to respect and promote the fundamental human rights of their citizens. Unfortunately, the news is not all good. The country reports also serve to confirm and document what we already knew in some cases: That last year has not been a good one for the state of human rights around the world. The Zimbabwe Government Operation Restore Order, for example, led to the demolition of houses and businesses and displaced or destroyed the livelihoods of more than 700,000 people. The Government of Belarus, President Lukashenko detained, fined, and imprisoned pro-democracy activists, including opposition politicians, students, and newspaper editors, for criticizing him and his regime. And the people of Nepal continue to suffer many serious human rights abuses both during and after the Feb-

ruary to April state of emergency that suspended all fundamental human rights except for habeas corpus, and even habeas corpus orders issued by the court were not respected.

The totalitarian Governments of China, North Korea, Vietnam, and Cuba all continued their persecution of political and religious dissidents. The Chinese Government and security forces in particular are cited in the 2005 reports as having increased their harassment, detention, and imprisonment of those perceived to be a threat to the government authority. The government considers the number of death sentences to be a state secret, but foreign experts estimated between 5,000 to 10,000 persons executed each year.

There were claims that 20 public protesters were killed last year during one demonstration, and the state-run media reported that, in general, 460 persons were killed through abuse or dereliction of duty. The UN Special Rapporteur on Torture, Manfred Nowak, reported after his November visit that torture in China remains widespread.

One of the most egregious human rights abuses that is receiving totally insufficient global attention is the one-child-per-family policy enforced in China since 1979. The policy says that if a woman happens to become pregnant with a second child, or even her first, and does not have a birth-allowed certificate, despite the government's best efforts to assure that this does not happen again, then the parent must pay a heavy fine, or the unborn child must be aborted. Heavy fines are imposed upon couples who have what they call unapproved children. The so-called social compensation fees can be up to 10 times a person's annual salary, compelling him to abort the baby or face the ruinous fines.

The Chinese Government goes to appalling lengths to enforce its one-child-per-couple limit, abusing the rights of Chinese women in particular to a degree that is both unique in kind and degree. For example, the government family planning bureaus conduct periodic pregnancy tests on married women and give them unspecified follow-up services. Fines for failing to undergo those tests can be as high as \$16. It should therefore not be surprising that approximately 500 women in China commit suicide each and every day, more than five times the global rate. Possible reasons given for this tragic statistic include the country's birth limitation policies and the traditional preference for male children that leads to the demise of so many girls both before birth as well as after.

Officials who help individuals who evade the birth limitations are legally subject to significant and detailed sanctions on the one hand; those who meet the population goals established by their administrative region are rewarded. So if you get with the government program and permit your child to be killed either before birth or right at birth, you are rewarded by this government. Thus, it is no wonder that local officials violate individuals' rights in attempting to reduce the number of births in their region.

The 2005 reports stated that in just one province, 130,000 people were detained to force them or their relatives to submit to abortion or sterilization procedures. Several late-term abortions were also documented, and at least 7,000 people were forcefully sterilized in this one area alone. Local officials profited personally from the fees charged for the attendance at population schools. One legal activist

was placed under house arrest for exposing these abuses. In other instances, forced sterilizations and abortions committed in pursuance of these harsh birth limitation policies were again documented throughout this report.

The combined effect of the birth limitation policies and the traditional preference for male children resulted in the disproportionate abortion of female unborn children at a rate of 116.9 to 100- overall, and now a shocking 151 for 100- for second pregnancies. So the number of girls to boys is absolutely out of kilter in the PRC. It has been estimated that as many as 100 million girls in China today are missing, and this is a direct result of this one-child-per-couple policy, and that is nothing other than genocide, and it does, I believe, constitute crimes against humanity.

Elsewhere in the world, dictatorships in Belarus and Burma were unsurprisingly similar in their repressive methods to control and maintain power. Security forces in both countries arbitrarily arrested and detained citizens for political reasons. Police abuse and torture of prisoners continued in Belarus and in Burma, and abuses also included rape, and this Committee, as many of my colleagues know, held an extensive hearing on the ongoing atrocities by the former members of the SLORC, the ruling junta, to use rape as a weapon in Burma. And, of course, it also included beatings, forcible relocation of populations, and the conscription of child soldiers.

In Africa, a continent that this Subcommittee is particularly concerned with, human rights abuses continue to be widespread throughout the continent. In Ethiopia, the refusal of the opposition parties to accept the announced results of the May elections resulted in serious human rights abuses. Authorities arbitrarily detained, beat, and killed opposition members, and freedom of the press and freedom of assembly were severely curtailed.

In addition to the forced displacement mentioned earlier, Zimbabwe once again went through the charade of elections that, in fact, were marked by fraud and the improper participation of security forces in the tabulation of ballots, irregularities in the voter registration, and continued restrictions on speech, press, and assembly.

The world is also aware of the continuing tragic situation in Sudan. According to the World Health Organization, the conflict in Darfur has resulted in the deaths of at least 70,000 civilians, the internal displacement of more than 1.9 million civilians, and the flight of an estimated 210,000 refugees to neighboring Chad. Other estimations put it much higher, of up to 300,000 to 400,000 dead in Darfur.

When confronted with such numbers, one must take into account the attending human rights violations, including the abuse of children, extensive trafficking in persons, and acts of brutal torture, and violence against women.

Also alarming were reports of serious human rights violations by governments with which the United States has a close relationship. The 2005 reports give no indication that Saudi Arabia is correcting its traditional disregard for religious freedom. Officially sanctioned discrimination against the Shia Muslim minority continued, and Christians still face arrests and detention for practicing their faith

even in the privacy of their own homes. One newspaper reported that 40 Pakistani citizens, including one Muslim, were arrested after holding Christian services in an apartment. Other human rights abuses took place in Saudi Arabia as well, including abuse of prisoners by security forces, arbitrary arrests, and legal and societal discrimination against women.

Finally, I am deeply troubled by the lack of respect for human rights and religious freedom in Vietnam. Vietnam, as we know, is a one-party state run by the Communists which oppressively controls its citizens, rigidly represses political rights, and denies its people the exercise of religious freedom. The *Country Report on Human Rights Practices* documents that the government subjected religious leaders to administrative detention, including pagoda arrest. I saw that firsthand during my visit in December when I met with the Venerable Thich Quang Do in his pagoda. He could not leave. And subsequent to that he did leave, was subsequently arrested, only to be released, I think, because there was so much human outcry by those who respect him so much and want him free.

Just let me conclude by saying the biggest challenge with the country reports is not the reporting itself, but the uses to which this human rights reporting will be put to to achieve universal respect for human rights and thus greater peace and stability in the world.

Pope John Paul II once said: "If you want peace, work for justice." These reports give us an insight, a real bird's-eye view as to what is happening in these countries and enables us to more authoritatively and, I think, hopefully more effectively work for justice, and, by doing so, to work for peace.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

I am pleased to convene this hearing of the Subcommittee on Africa, Global Human Rights and International Operations. The Subcommittee today is reviewing the State Department's 2005 Country Reports on Human Rights Practices, and in doing so, it is also examining the state of respect for human rights around the world.

Perhaps it would be useful to begin by reminding ourselves of some of the basic principles of human rights. Most importantly, human rights are not a concession or benefit conferred by the state. They are the entitlement of every human person on the basis of that person's inherent dignity and worth. Thus the Universal Declaration for Human Rights and subsequent international human rights treaties did not *establish* human rights—they *recognized* those rights. Therefore, human rights cannot be abrogated or otherwise removed by any government. They are entitlements pre-existing and superseding the prerogatives of the government, and as such are either respected or violated.

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nity and of the equal and inalienable rights of all members of the human family. Human rights are central to United States foreign policy not only because they are a moral imperative but also because they are central to any effort to establish and maintain a democratic, peaceful, stable society. Those who ignore or repudiate human rights are sowing the seeds of instability, rebellion and violence.

It is therefore disturbing that human rights concerns are often subordinated to other concerns, such as trade, cooperation on terrorism, immigration control, or selling military equipment, in the name of maintaining relations with countries of high importance to U.S. strategic goals. This misses the point. The most important U.S. interest is the promotion of freedom and democracy and long-term stability. We are strong enough, and we are prosperous enough that we have no need to accept blood money or to send refugees back to persecution or to seek our alliances among regimes that murder and torture their own people.

The Country Reports are among the most important tasks undertaken by the Department of State. These Reports allow the United States an opportunity to bear witness, to reassert fundamental principles, and also to examine its own conscience about whether its foreign policy comports with these principles. Other annual reports, such as the Trafficking in Persons report and the report on International Religious Freedom, also shine the spotlight on specific human rights areas which bear closer examination.

Although the human rights mechanism of the United Nations is not directly germane to the release of the Country Reports, the importance of the adoption yesterday by the General Assembly of the resolution establishing the new Human Rights Council is of such importance that it must be included in the discussions of this hearing. I personally am deeply disappointed and dismayed that the United Nations adopted such a weak and deeply flawed replacement for the discredited Human Rights Commission.

Furthermore, the new Council's anticipated promotion of the goals and commitments "emanating" from UN conferences and summits, measures not intended by negotiating Member States to be on a par with human rights treaties, will dilute and trivialize the solemn importance rightly attributed to fundamental human rights. Many of us in Congress will be watching the development of the new Council closely, and we strongly encourage the Administration to work assiduously to not only ensure that this new Council promotes and defends human rights but also that it does not distort the established and accepted framework of fundamental human rights.

The 2005 Country Reports document several important steps forward taken by governments around the world to respect and protect the fundamental human rights of their citizens. Burundi concluded a four-year transitional process and large numbers of displaced persons were encouraged to return home. The election of President Ellen Johnson Sirleaf in Liberia marked "a significant milestone" in that country's efforts to achieve democracy and peace. Afghanistan experienced its first parliamentary elections in almost 30 years, with women enthusiastically participating. And in Ukraine, the Orange Revolution resulted in a democratically-elected government and a notable improvement in respect for human rights.

Unfortunately, the news is not all good. The Country Reports also serve to confirm and document what we knew already, that the last year has not been a good one for the state of human rights in the world. The Zimbabwean government's Operation Restore Order led to the demolition of houses and businesses and displaced or destroyed the livelihoods of more than 700,000 people. The government of Belarus President Lukashenko detained, fined, and imprisoned pro-democracy activists, including opposition politicians, students and newspaper editors, for criticizing him and his regime. And the people of Nepal continued to suffer many serious human rights abuses, both during and after the February–April state of emergency that suspended all fundamental rights except for habeas corpus—and even habeas corpus orders issued by the court were not respected.

The totalitarian governments of China, North Korea, Vietnam and Cuba all continued their persecution of political and religious dissidents. The Chinese government and security forces, in particular, are cited by the 2005 Reports as having increased their harassment, detention and imprisonment of those perceived to be a threat to government authority. The government considers the number of death sentences to be a state secret, but foreign experts estimated that between 5,000 and 10,000 persons are executed each year. There were claims that 20 public protesters were killed last year during one demonstration, and the state-run media reported that in general 460 persons were killed through abuse or dereliction of duty. The UN Special Rapporteur on Torture Manfred Nowak reported after his November visit that torture in China remains widespread.

One of the most egregious human rights abuses that is receiving grossly insufficient global attention is the one-child per family policy enforced in China since 1979. The policy says that if a woman happens to become pregnant with a second child, despite the government's best efforts to assure that this does not happen, then the parent must pay a heavy penalty or unborn child must be aborted. Heavy fines are imposed upon couples who have an "unapproved" child. These so-called "social compensation fees" can be up to ten times a person's annual salary, compelling them to abort the baby.

The Chinese government goes to appalling lengths to enforce its one-child limit, abusing the rights of Chinese women in particular to a degree that is unique in both kind and degree. For example, Government Family Planning Bureaus conduct periodic pregnancy tests on married women, and give them unspecified "follow-up" services. Fines for failing to undergo these tests can be as high as \$60 US. It should therefore not be surprising that approximately 500 women in China commit suicide each day—more than five times the global rate. Possible reasons given for this tragic statistic include that country's birth limitation policies and the traditional preference for male children.

Officials who help individuals to evade the birth limitations are legally subject to significant and detailed sanctions. On the other hand, those who meet the population goals established by their administrative region are rewarded. Thus, it is no wonder that local officials violated individual's rights in attempting to reduce the number of births in their region. The 2005 Reports state that in just one province, 130,000 people were detained to force them or their relatives to submit to abortion or sterilization procedures. Several late-term abortions were documented, and at least 7,000 people were forcibly sterilized. Local officials profited personally from the fees charged for attendance at the "population schools." One legal activist was placed under house arrest for exposing these abuses. Other instances of forced sterilizations and abortions, committed in pursuance of these harsh birth limitation policies, were again documented.

The combined effect of the birth limitation policies and the traditional preference for male children resulted in the disproportionate abortion of female fetuses at a rate of 116.9 to 100 overall, and a shocking 151.9 to 100 for second pregnancies. As a direct result of these ongoing crimes against humanity, China today is missing millions of girls, girls who were murdered in the womb simply because they are girls. A couple of years ago, the State Department suggested that as many as 100 million girls of all ages are missing—that is to say, they should be alive and well and are not, a direct consequence of the government's one-child policy. This genocide constitutes one of humanity's worst blights, and a far greater peril to peace and security than is being credited at this time.

Elsewhere in the world, dictatorships in Belarus and Burma were unsurprisingly similar in their oppressive methods of control to maintain power. Security forces in both countries arbitrarily arrested and detained citizens for political reasons. Police abuse and torture of prisoners continued in Belarus, and in Burma, abuses also included rape, beatings, forcible relocation of populations, and conscription of child soldiers.

In Africa, a continent this Subcommittee is particularly concerned with, human rights abuses continued to be widespread throughout the continent. In Ethiopia, the refusal of the opposition parties to accept the announced results of the May elections resulted in serious human rights abuses. Authorities arbitrarily detained, beat and killed opposition members and freedom of the press and freedom of assembly were severely curtailed. In addition to the forced displacement mentioned earlier, Zimbabwe once again went through the charade of elections that in fact were marked by fraud and the improper participation of security forces in the tabulation of ballots, irregularities in voter registration, and continued restrictions on speech, press and assembly.

The world is all too aware of the continuing tragic situation in Sudan. According to the World Health Organization, the conflict in Darfur has resulted in the deaths of at least 70,000 civilians, the internal-displacement of more than 1.9 million civilians, and the flight of an estimated 210,000 refugees to neighboring Chad. When confronted with such numbers, one must also take into account the attending human rights violations, including the abuse of children, extensive trafficking in persons, and the acts of torture and violence against women.

The human rights record of Iran also worsened this past year, with numerous troubling violations reported. The government executed many political dissidents following trials that lacked due process. Dissent was criminalized and the death penalty applied to such offenses as apostasy, "attempts against the security of the State, outrage against high-ranking officials and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." A report

released during the past year stated that at least 8 evangelical Christians have been killed in Iran and another 15 to 23 reported missing or “disappeared” over the past 15 years.

Also alarming were the reports of serious human rights violations by governments with which the United States enjoys a close relationship. The 2005 Reports give no indication that Saudi Arabia is correcting its traditional disregard for religious freedom. Officially sanctioned discrimination against the Shi’a Muslim minority continued, and Christians still faced arrest and detention for practicing their faith, even in the privacy of their own homes. One newspaper reported that 40 Pakistani citizens, including one Muslim, were arrested after holding Christian services in an apartment. Other human rights abuses took place in Saudi Arabia as well, including abuse of prisoners by security forces, arbitrary arrests, and legal and societal discrimination against women.

Finally, I continue to be deeply troubled by the lack of respect for human rights and religious freedom in Vietnam. Vietnam is a one-party state run by the Communists which oppressively controls the ordinary lives of its citizens, rigidly represses political rights, and denies its people the exercise of their religious freedom. The country report on Vietnam documents that the government subjected religious leaders to administrative detention, “pagoda arrest,” and varying degrees of informal detention in their residences. Citizens who tried to exercise their rights to practice their religion, assembly, or expression also were detained at times for several days by security forces. Such conduct should not be ignored when a country is seeking stronger economic relations with the United States.

In conclusion, the biggest challenge with the Country Reports is not the reporting itself, but the uses to which this human rights reporting will be put to achieve universal respect for human rights and thus greater peace and stability in our world. Human Rights can not be the work of one political officer in the Embassy who prepares the annual report once a year and then turns to other tasks. Rather, it must be the foundation on which our bilateral relationships are based.

Secretary Lowenkron, I want to commend you and your colleagues for your exhaustive work on the 2005 Country Reports. As I stated earlier, this is one of the most important services the Department performs. The cornerstone of U.S. foreign policy must be the promotion of American values, which include the protection and advancement of fundamental human rights of people around the world. The moral character and depth of soul of any society will be measured not by its military might, technological prowess, athletic excellence or GDP, but by the respect it accords to the inherent dignity and worth of every person who lives within its borders.

Mr. SMITH. I would like to yield to Mr. Payne for any opening comments he might have.

Mr. PAYNE. Thank you very much, Mr. Chairman. Thank you for calling the annual meeting about monitoring respect for human rights around the world, a review of the *Country Reports on Human Rights Practices for 2005*.

As we know, it is extremely important that human rights be emphasized more, and that countries should be judged based on the manner in which they treat their citizens. And today we see too many countries still reigning terror on their own citizens, using weapons of war against them, using food as a weapon, and having ethnic and religious persuasions determining the future of individuals in countries.

We certainly have to rely on the work of the United Nations, and, as we push our agenda for human rights around the world—and speaking as the congressional delegate to the United Nations along with Mr. Royce, I was pleased that the Human Rights Council passed the resolution yesterday, which, although the United States voted against it, and three other nations, the United States said it will work with and support financially the work of the Human Rights Council.

As we know, the former Human Rights Council—I think it had a different name—Commission. It has been changed from Commission to Council—was really a total disgrace. Countries that were

violators of human rights were elected to the commission. There was practically no regard for human rights as it related to membership.

And so a person might say, well, therefore, why do you support what happened several days ago? I support it only because it is a step in the right direction. There have been put in place reforms that would take a country out of its own bracket. Right now, Asian countries elect Asians; African countries elect Africans. They just go before their own group. From what I understand now, those nominees will have to go through a broader group.

To me, that is a big step in the right direction, because in many instances, in groupings, intimidation or the sort of “scratch my back, I will scratch your back” syndrome goes on; and if you don’t say anything about the way I am treating, then I am certainly not going to say anything about yours. So, I think that, even though it is far from what we want, I think it is a step in the right direction.

And I think that Ambassador Bolton—who was supposed to be with us this morning, but had to go back to Washington because our voting that came up, which would have taken an hour out of the time he was supposed to be here, and he had to get back—I think makes his positions very clear. But I would really like to see our U.S. mission to the UN really become more engaged in the nitty-gritty negotiations.

In many instances, when the negotiations and things go on, and we see the result, then we express ourselves like we ought to. But if there is a stronger, time-consuming work within, as these negotiations go on, perhaps we could be a little bit more persuasive rather than to make our statement, say this is what ought to be; if it comes out other than that, then we vote no.

I think that the United Nations know that there has to be reforms. They know the Hyde legislation said we will stop funding, we will go 50 percent of what we are funding now. We are only doing 21 percent, so we will be down to 11 percent. Japan is doing almost 20 percent right now, so that would push them up to perhaps 22 percent. And as we would diminish our contributions, as we have been doing—we are down to 27 percent for peacekeeping, we were at 33. We are down to 21 percent for overall dues, we were at 33, 50 percent at the inception. So as we decrease our contribution, of course I think we will also—because many feel that we should be out of it totally. Some of my colleagues feel that the United Nations is worthless. As we diminish our financial contribution, we are going to see that we are also diminishing our authority and our voice, and that is the flip side of imposing financial tax cuts to the UN.

So I certainly know that the annual report, as you know, the requirement was legislated by Congress in the 1970s, generated, of course, out of a concern over human rights conditions in the world and the desire to monitor them. The document we are receiving today is the 29th such report by the State Department.

I would hope that at some point some of our business leaders would read the report, because some of our biggest support financially is the countries that have horrible human rights records, like China. The balance of trade to China is so enormous, we don’t even

like to report it. However, their human rights record is atrocious. However, we have an official U.S. position which is outstanding, and we have outstanding diplomats who represent the United States and take time to have this report completed in detail with a lot of energy put into it.

But then we have our top Fortune 500s running over to China, continuing to give them the economic expertise that they need to even be more repressive. They say, well, if China gets to have a higher standard of living, then they may, in fact, become freer. Well, we haven't seen it. And so at some point I would hope that our great big Fortune 500 corporate leaders would pay some attention, because I think they can have impact by threatening perhaps to hold up the financial largesse which is going to China, and perhaps that could be another tool other than the United States withholding sometimes financial support to countries which in many instances are very small in the first place.

The State Department as relates to Sudan reports continued abuses by the ruling national party, which was formally the National Islamic Front. This is ongoing despite the comprehensive peace agreement, the agreement between the North and the South which has its first-year anniversary in January of this year.

I have constantly expressed concern about the painfully slow progress of the implementation of the CPA, including Khartoum's failure to remove large numbers of troop contingents in the South that was supposed to be removed at the signing of the accord over a year ago, as well as several other violations of the agreement. They still have disputed territories that they will not allow to be negotiated to find out whether they are part of the North or the South, and that is because there is oil in those regions, and they want it to be considered part of the North.

I caution our Government that we must not stand by and allow Khartoum to undo the progress made toward peace. For those of you who do not know, the genocide in Darfur continues to this very day. As a matter of fact, it is getting worse. Janjaweed has gone into Chad and has raided camps there, causing people in Chad to run back over the border to Darfur. And if that continues, there is some semblance of unrest in the Central Africa Republic as a result of the Lord's Resistance Army, which is even moving out into the Central Africa Republic for cover, and the Lord's Resistance Army is being supported by the Government of Sudan and Khartoum. And so we have a pariah government that continues to destabilize a whole region, yet it appears that instead of getting tougher on Sudan, we seem to be cozying up to them because we have heard that they are going to be supportive of us in our fight on the war on terror.

I have been to Darfur camps several times, 2004, after introducing the resolution declaring genocide and again last year. I plan to go back again in the near future. I have interviewed people there who described the ordeal of being beaten by Janjaweed, seeing a small boy pushed into a hut and the hut then being burned to the ground. We have heard, as the Chairman said, estimates ranging of up to 400,000 people have died as a result of famine and dysentery and cholera and starvation; women and girls continue to be raped at unimaginable rates. This morning I had the privilege to

meet at 7:30 with President Bush to discuss these alarming issues that continue to occur.

One year ago, the CIA invited Sudan's intelligence and security chief Salah Abdallah Gosh to visit Washington. This is at the height of the genocide. Now, how do you justify that? Is the war on terror the number one issue, and everything else goes by the board when you invite the person who is orchestrating the genocide, but could give you some insight to help you on your war on terror? We have to make a decision. Where do we stand as the moral leaders of the world? You really can't have it both ways. And I think that one of the problems that we are having in the world of losing prestige is because we have duplicitous types of policies. And so how could Salah Abdallah Gosh visit Washington, the man who is known as a ringleader in genocide? Our Government flew him over at taxpayer dollars in an executive jet. It is unconscionable.

So if we are serious about human rights as a Nation, about this report, which so much time has gone into and it is so well done by our diplomats in the vision responsible for the report, then we should do it. If not, then we should stop the report and just say, well, let us have a laissez faire policy and let them be. I know that is not what we want, but we ought to draw the line so that we know where we stand.

Just recently Assistant Secretary of State for Africa Jendayi Frazier spoke on a radio show about Darfur. When questioned directly about whether she believed that genocide continues, she repeatedly emphasized that had occurred, but she would not say that genocide was still ongoing. Back in the Clinton Administration when we brought these officials before the Committee, we asked them about genocide in Rwanda, and they talked about it looks like it could be something that appears to be like genocide. Either it is genocide, or it is not. And we continue to look the other way, as we did in 1916 with the Armenians and the Holocaust in Germany in the 1930s and Cambodia and Rwanda. And so if we are serious about it, we should get tough. We should have a no-fly zone. We should insist that NATO go into Darfur with the UN.

Back in 2003, in Liberia, we didn't ask Liberia whether Charles Taylor would allow UN troops in; we sent them in, and Taylor left, and now that country has one of the greatest Presidents; one of the best speeches I have ever heard since I have been in Congress, at a joint session, given by President Johnson Sirleaf yesterday where she just really was magnificent, because we took affirmative and assertive action. We need to do that again in areas where it is necessary.

And so although I have spent most of the time on the situation in Sudan, I think it is just worsening. I met with Kofi Annan Monday again about this problem; John Bolton on Tuesday. We just have to keep the pressure on. But human rights in general has to be respected more than what it is at the present time.

I guess we are running behind, so I will yield back the balance of my time.

Mr. SMITH. Thank you.

Mr. Boozman.

Mr. BOOZMAN. No. Just thank you to you and the Ranking Member for holding the hearing.

Mr. SMITH. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I want to thank you for holding this hearing, and I want to thank some of the people who will be presenting testimony on the panel for also holding up the mirror to the United States.

We need to be having hard discussions taking place about the United States policy on torture. I am very concerned with the continued reports out of Guantanamo, reports we are hearing out of Afghanistan and the militia squads in Iraq, where the United States Government still has a presence and is interacting with the government over there, that we are not doing all we can as Members of Congress to make sure that torture is not something that the United States continues to be engaged in; that we have taken actions to hold people at high levels accountable; and that it is clear that under no circumstances will the torture of another human being sanctioned by our country.

Extraordinary rendition. We need to be having hearings and holding up the mirror to the United States about what role our Government has played in renditions. In other words, some of the very countries that we could be talking about today or have talked about in the past or are in the human rights report being singled out for not doing all that they should be doing to stop torture, we need to know, we need to have congressional hearings and oversight as to whether or not our country is engaged in sending people to those countries to be tortured, as has been in the case recently of the Canadian citizen again. We need to hold ourselves accountable. And only when we do that, only when we do that, will we be able to move forward once again with the high ground that we have had as leaders in human rights.

I hear this from parliamentarians throughout the world, both from democracies and emergent democracies. We have lost prestige. We need to recognize that fact. And this Congress has to hold this Administration accountable for the loss in prestige and do everything we can to make sure we are not committing acts of torture or violence.

Thank you, Mr. Chair.

Mr. SMITH. Mr. Tancredo.

Mr. TANCREDO. No, thank you.

Mr. SMITH. Let me introduce Mr. Barry Lowenkron, who is the Assistant Secretary for the Bureau of Democracy, Human Rights and Labor. And I would ask unanimous consent that his full statement be made a part of the record as well as the introductory notes, because we do have five votes, I am sorry to say, in succession. So, please, the floor is yours.

STATEMENT OF THE HONORABLE BARRY LOWENKRON, ASSISTANT SECRETARY, BUREAU FOR DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Mr. LOWENKRON. Thank you very much, Chairman Smith, Mr. Payne, and Members of the Committee. Thank you for holding this hearing on the 2005 reports, which were released last week. Your

commitment to the reports, and your comments today, are very much appreciated.

I want to thank the Committee for your strong contributions to the promotion of human rights and democracy. When I engage foreign officials, as I did in Russia, China, and Vietnam in recent months, it strengthens my hand that the Members of this Committee, and others in Congress, take an active interest in the issues that I raise.

I look forward to working closely with you as we press forward on this bipartisan agenda, which I believe reflects the fundamental values of the American people.

As you know, this morning the White House released the National Security Strategy of the United States, and in his letter to the American people introducing the document, President Bush states that our strategy is based on two pillars. The first is promoting freedom by championing aspirants for human dignity, and the second is leading a growing community of democracies.

Mr. Chairman, these country reports are one of the important tools we have for advancing these efforts. For almost 30 years, the reports have served as a reference document and a foundation for action with other governments, organizations, and individuals seeking to end human rights abuses and strengthen the capacity of other nations to protect the fundamental rights involved. We work hard to ensure that the reports meet high standards of accuracy and objectivity, and I particularly appreciate your favorable comments about our report.

The reports include every member country of the United Nations except our own. We do, however, consider the human rights record of any government, including our own, to be a legitimate subject for international discussion and debate. And when I travel overseas and engage in human rights dialogues with other countries, I tell them, bring all of your concerns to the table.

Each report speaks for itself; however, I will, if I may, Mr. Chairman, make six cross-cutting observations based on the reports as a whole. First, countries in which power is concentrated in the hands of unaccountable rulers tend to be the world's most systematic human rights violators. These states range from closed totalitarian systems like North Korea or brutal military regimes like Burma that subject their citizens to a wholesale deprivation of their basic rights to authoritarian systems like Belarus and Zimbabwe in which the exercise of basic rights is severely restricted.

Second, human rights and democracy are closely linked, and both are essential to long-term stability and security. Free and democratic nations that respect the rights of their citizens help to lay the foundation for lasting peace. In contrast, states that severely and systemically violate the human rights of their own people are likely to pose threats to neighboring countries and the international community.

Iran is a case in point. In 2005, the Iranian Government continued to deprive basic rights to its own people and ignore their desire for responsible, accountable government. Tehran also continued to pursue a nuclear weapons capability, provide support to terrorist

organizations, and publicly advocate for the destruction of the State of Israel.

Burma is another example. Only by Burma's return to the democratic path from which it was wrenched can the basic rights of the Burmese people be realized. The regime's misrule has inflicted tremendous suffering on the Burmese people and caused or exacerbated a host of ills for its neighbors, from refugee outflows to the spread of infectious diseases and the trafficking of drugs and human beings.

Third, some of the most serious violations of human rights are committed by governments within the context of internal and/or cross-border armed conflicts, such as in Sudan's Darfur region, an issue that Congressman Payne and Chairman Smith addressed and that I could not agree with more.

As a result of this conflict, at least 70,000 civilians had perished by the end of 2005. Nearly 2 million remain displaced. Over 200,000 refugees remained in Chad. Torture has been widespread and systematic, as has been violence against women, including the use of rape as a tool of law. The government and Janjaweed committed genocide in Darfur during 2005, and, as Secretary Rice stated in February, genocide is on going.

Fourth, where civil society and independent media are under siege, fundamental freedoms are undermined. In 2005, a disturbing number of countries from Russia to Venezuela, Zimbabwe to China, passed or selectively applied laws against NGOs and the media, restricting or having a chilling effect on the exercise of freedoms of expression, association, and assembly. I highlighted this issue on my recent trips to Russia, China, and Vietnam.

I traveled to Moscow in January at Secretary Rice's behest to deliver a clear message to the Russian Government about our deepening concern for NGOs. It was obvious that many in the Russian Government harbor a deep mistrust of civil society, and especially of organizations that receive foreign funding and are engaged in politically sensitive activities such as human rights monitoring. Earlier this year President Putin acknowledged the positive contribution of NGOs, but then he warned against "foreign puppeteers."

Many Russian officials see our promotion of democracy as part of a zero-sum game of geopolitical influence. I defended the work of the NGOs and explained our democracy assistance is designed to help ensure a level playing field. We do not pick winners, we do not pick losers.

Russia's new NGO law goes into effect in April, and we will carefully monitor how it is being implemented, as I know this Committee will.

In Beijing last month, I underscored to Chinese officials our deep concern about tightened restrictions on NGOs as well as the harassment and detention of activists seeking to address important social and political issues. Reiterating President Bush's message to President Hu, I made the case that NGOs can play an important role in China's development. I raised the increased restrictions on access to, and use of, the Internet, and pressed for the release of those serving sentences for expressing their views on line.

I then traveled to Vietnam to resume the United States-Vietnam human rights dialogue that was suspended in 2002. Mr. Chairman, I look forward to appearing before this Committee later this month to give you a full report on my trip, but I would add that during the discussions in Vietnam, I raised the case of Pham Hong Son, who was convicted of “espionage for translating an essay on democracy from a Department of State Web site.” I said bluntly and clearly, “The American people will not understand why a country that wants a better relations with us would imprison someone for translating an article on democracy.”

In both Beijing and Hanoi, I cited the February 15th hearing before this Committee on restrictions on Internet freedom, as well as the formation, at Secretary Rice’s direction, of the Global Internet Freedom Task Force.

Fifth, democratic elections by themselves do not ensure that human rights will be respected, but they can put a country on a path to reform, and they can lay the groundwork for institutionalizing human rights protections. Last year the people of Iraq went to the polls three times and held to democracy’s course despite high levels of violence. The men and women of Afghanistan cast their ballots countrywide in the first free legislative election since 1969, even as the government struggled to expand its authority over provincial centers. And the first post-conflict elections in Liberia resulted in Africa’s first elected female head of state, Ellen Johnson Sirleaf, marking a milestone in a transition from civil war to democracy.

Violations of human rights and miscarriages of justice do occur in democratic countries. No governmental system is without flaws. In particular, democratic systems with shallow roots and scarce resources can fall far short of meeting their human rights commitments to citizens. Corruption can retard democratic development, distort judicial processes, and destroy public trust.

That said, the best guarantor of human rights is a democracy, with representative, accountable, transparent institutions, equal rights under the rule of law, a robust civil society, political pluralism, and independent media.

Sixth, progress on democratic reform and human rights is neither linear, nor is it guaranteed. Some states still have weak institutions of democratic government. They continue to struggle. Others have yet to fully commit to the democratic process. Steps forward can be marked with irregularities, and there can be serious setbacks. Democratically elected governments do not always govern democratically once they are in power.

But despite hard realities and high obstacles, there is an increasing worldwide demand for greater personal and political freedom, for the adoption of democratic principles of government. This growing demand derives from the powerful human desire to live in dignity and liberty, and the personal bravery and tenacity of men and woman in every age and in every society who serve and sacrifice for the cause of freedom.

As Secretary Rice has said, fulfilling the promise of the Universal Declaration of Human Rights and building vibrant democracies worldwide is the work of generations, but it is urgent work that cannot be delayed.

Mr. Chairman, I agree with you that 2005 in many ways was not a good year for human rights. I will pledge to you now my work, and the work of all of us together, to make 2006 a better year. Thank you, sir.

[The prepared statement of Mr. Lowenkron follows:]

PREPARED STATEMENT OF THE HONORABLE BARRY LOWENKRON, ASSISTANT SECRETARY, BUREAU FOR DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Smith, Co-Chairman Payne, and Members of the Committee, thank you for holding this hearing to focus attention on the *2005 Country Reports on Human Rights Practices*, released last week. Your commitment to the Reports is very much appreciated.

I welcome this opportunity to discuss the Reports, as well as the current trends and concerns about how countries across the globe are putting into practice their international commitments on human rights.

I would ask, Mr. Chairman, that the introduction to the 2005 Reports, which provides an overview, be entered into the Record.

At the outset, I also want to thank the Committee for your strong contributions to the promotion of human rights and democracy worldwide, and for your support of the work of my bureau. When I travel overseas and engage foreign officials on our human rights and democracy agenda, as I did in Russia, China and Vietnam in recent months, it greatly strengthens my hand that the Members of this Committee and others in Congress take an active interest in the issues that I raise. I value your counsel and look forward to working closely with you as we press forward this bipartisan agenda, which reflects the fundamental values of the American people.

Let me begin with a few words about the production of the 2005 Reports, and then make some brief observations about their content.

For almost three decades, these Congressionally mandated annual Reports have been an essential element of the concerted efforts of successive Congresses and Administrations to promote respect for human rights worldwide. The Reports serve as a reference document and a foundation for our cooperative action with other governments, organizations and individuals seeking to end human rights abuses and strengthen the capacity of other nations to protect the fundamental rights of all.

As you know, Foreign Service Officers at our overseas posts go to great lengths to gather factual information for the Reports every year. I have a dedicated team in my own bureau in the Office of Country Reports, which spent the better part of the past year working on the 2005 Reports. Many others in my bureau and throughout the Department of State also labored long and hard to ensure that the Reports meet high standards of accuracy and objectivity. The Reports are based on information we received from governments and multilateral institutions as well as from indigenous and international non-governmental groups, academics, jurists and the media.

The 196 Reports include every member country of the United Nations except, of course, the United States. We do, however, make the point to those who comment on U.S. performance that we consider the human rights record of any government, including our own, to be a legitimate subject for international discussion and debate.

Each Report speaks for itself. However, I will if I may, Mr. Chairman, make six cross-cutting observations based on the Reports as a whole.

First, countries in which power is concentrated in the hands of unaccountable rulers tend to be the world's most systematic human rights violators. These states range from closed, totalitarian systems like North Korea, or brutal military regimes like Burma, that subject their citizens to a wholesale deprivation of their basic rights, to authoritarian systems like Belarus and Zimbabwe in which the exercise of basic rights is severely restricted.

Second, human rights and democracy are closely linked and both are essential to long-term stability and security. Free and democratic nations that respect the rights of their citizens help to lay the foundation for lasting peace. In contrast, states that severely and systematically violate the human rights of their own people are likely to pose threats to neighboring countries and the international community.

Iran is a case in point. In 2005, the Iranian government continued to deprive basic rights to its own people and ignore their desire for responsible, accountable government. At the same time, Tehran continued its dangerous policies of pursuing a nuclear weapons capability, providing support to terrorist organizations, and advo-

cating—including in several public speeches by the new president—for the destruction of Israel.

Burma is another example. Only by Burma's return to the democratic path from which it was wrenched can the basic rights of the Burmese people be realized. The junta refuses to recognize the results of the historic free and fair legislative elections in 1990. The regime's cruel and destructive misrule has inflicted tremendous suffering on the Burmese people and caused or exacerbated a host of ills for its neighbors, from refugee outflows to the spread of infectious diseases and the trafficking of drugs and human beings.

Third, some of the most serious violations of human rights are committed by governments within the context of internal and/or cross-border armed conflicts, such as in Sudan's Darfur region.

As a result of the conflict, by the end of 2005, at least 70,000 civilians had perished, nearly 2 million remained displaced by the fighting, and over 210,000 refugees remained in neighboring Chad. Torture has been widespread and systematic in Darfur, as has been violence against women, including the use of rape as a tool of war. The government and *janjaweed* committed genocide in Darfur during 2005, and, as Secretary Rice has stated, genocide is ongoing there.

The already heartbreaking conditions in Darfur risk becoming even worse. Chad-Sudan cross-border violence has exacerbated the situation. In January 2005, the Sudanese government and the Sudan People's Liberation Movement signed a Comprehensive Peace Agreement (CPA) ending the 22-year North-South civil war, opening the way for the ratification of a new constitution in July 2005 and a government of national unity to serve until elections in 2009. Implementation of the CPA has been mixed and challenges remain. The CPA does, however, provide a framework for resolving conflict throughout Sudan, including Darfur. We welcome the African Union's decision to support a transition of its mission in Sudan to a UN peacekeeping operation, and we will work with the AU and our European partners to begin the transition as soon as possible. Progress must be made now to reach a speedy settlement at the Darfur peace talks in Abuja, Nigeria.

Fourth, where civil society and independent media are under siege, fundamental freedoms are undermined. A robust civil society and independent media help create conditions under which human rights can flourish by raising awareness among publics about their rights, exposing abuses, pressing for reform and holding governments accountable. Governments should defend—not abuse—the peaceful exercise of fundamental freedoms by members of the media and civil society even if they do not agree with their views or actions.

When states wield the law as a political weapon or an instrument of repression against civil society and the media, they rule *by* law rather than upholding the rule *of* law. The rule *of* law acts as a check on state power, i.e. it is a system designed to protect the human rights of the individual against the power of the state. In contrast, rule *by* law can be an abuse of power, i.e. the manipulation of the law and the judicial system to maintain the power of the rulers over the ruled.

In 2005, a disturbing number of countries from Russia to Venezuela, Zimbabwe to China, passed or selectively applied laws against NGOs and the media, restricting or having a chilling effect on the exercise of fundamental freedoms of expression, association and assembly.

I traveled to Moscow in January at Secretary Rice's behest to deliver a clear message to the Russian Government about our deepening concerns for NGOs. Upon arrival, I was greeted with the news that the NGO law, quietly signed on January 10 by President Putin, had been published that very morning. Over the next two days, I met with Russian and U.S.-based NGOs, Duma committee chairpersons, officials from the Ministry of Foreign Affairs, the Human Rights Ombudsman, the Chair of the Presidential Human Rights Council, and representatives of independent media.

The new law goes into effect April 1, and we will carefully monitor how it is being implemented, as I know this Committee will.

It was obvious to me that many in the Russian Government harbor a deep mistrust of civil society, and especially of organizations that receive foreign funding and are engaged in politically sensitive activities such as human rights monitoring. Earlier this year, President Putin acknowledged the positive contributions of NGOs, but then warned against "foreign puppeteers." Many Russian officials see our promotion of democracy as part of a zero-sum game of geopolitical influence. I defended the work of NGOs, telling Russian officials that our democracy assistance is designed to help ensure that elections are free and fair, not to pick winners and losers.

As I told my Russian interlocutors, NGOs can support governments and they can criticize governments, but NGOs should never be treated as enemies of governments.

I delivered a similar message in Beijing during my February trip. In meetings with the Ministry of Foreign Affairs, the Ministry of Justice, the Public Security Bureau, the Ministry of Civil Affairs, the State Administration of Religious Affairs and the United Front Work Department, I underscored our deep concern about recent tightened restrictions on NGOs and the harassment and detention of activists seeking to address important social and political issues. Reiterating the message President Bush has delivered to China's President Hu Jintao, I made the case that NGOs can play a positive role in China's society and can be a force for stability as well as an important part of China's continued economic development.

I also raised with Chinese officials the issue of increased restrictions on access to and use of the Internet and pressed for the release of those serving sentences for peacefully expressing their views online. With regard to the 2008 Olympics, I pointed out the obvious—that the tens of thousands of journalists and tourists who will come to the Games will expect to have free access to information on the Internet as well as to travel unfettered throughout China to tell the world about what is happening there. I urged China to lift all restrictions so that the story of the 2008 Games does not become the steps that China has taken to restrict its citizens' access to information.

Following my meetings in Beijing, I traveled to Vietnam to resume the U.S.—Vietnam Human Rights Dialogue that was suspended in 2002 due to lack of progress by the government of Vietnam. During the discussions, I raised the case of Pham Hong Son, who was convicted of “espionage” for translating an essay on democracy from a Department of State Website. I made it clear to the government of Vietnam that the American people will not understand why a country that wants better relations with the United States would imprison someone for translating an article on democracy. I believe that the Vietnamese domestic Internet demand represents a thirst to enter the globalized world and pressed the government to allow Vietnamese citizens the freedom to use the Internet for peaceful purposes, including political ones, without fearing arrest.

In both Beijing and Hanoi, I cited the February 15 hearing before this Committee on restrictions on Internet freedom as well as the formation, at Secretary Rice's direction, of the Global Internet Freedom Task Force (GIFT). The GIFT will develop recommendations for her aimed at maximizing access to the Internet, and minimizing government efforts to block information.

Fifth, democratic elections by themselves do not ensure that human rights will be respected, but they can put a country on the path to reform and lay the groundwork for institutionalizing human rights protections. In 2005, the people of Iraq went to the polls three times and held to democracy's course despite high levels of violence. The men and women of Afghanistan cast their ballots countrywide in the first free legislative elections since 1969, even as the government struggled to expand its authority over provincial centers due to continued insecurity and violent resistance in some quarters. The first post-conflict elections in Liberia resulted in Africa's first elected female head of state, Ellen Johnson Sirleaf, marking a milestone in Liberia's transition from civil war to democracy.

To be sure, violations of human rights and miscarriages of justice can and do occur in democratic countries. No governmental system is without flaws. Human rights conditions in democracies across the globe vary widely and these country reports reflect that fact. In particular, democratic systems with shallow roots and scarce resources can fall far short of meeting their solemn commitments to citizens, including human rights commitments. Democratic transitions can be tumultuous and wrenching. Unbridled corruption can retard democratic development, distort judicial processes and destroy public trust.

The best guarantor of human rights is a thriving democracy with representative, accountable, transparent institutions of government, equal rights under the rule of law, a robust civil society, political pluralism and independent media. To help countries that have chosen democracy institutionalize democratic practices and human rights protections and better deliver on democracy's blessings to their people, the State Department and USAID administer programs that help other countries strengthen their institutions of government and sink deeper roots for the rule of law. We encourage the full participation of all citizens, including women and minorities, in the public life of their countries. We promote political pluralism and level playing fields to help elections meet international standards. And we champion and defend the vital contributions to democracy of independent media and nongovernmental organizations.

Sixth, progress on democratic reform and human rights is neither linear nor guaranteed. As a reading of the various reports will show, some states still have weak institutions of democratic government and continue to struggle; others have yet to fully commit to the democratic process. Steps forward can be marred with irregular-

ities. There can be serious setbacks. Democratically-elected governments do not always govern democratically once in power.

But despite hard realities and high obstacles, there is an increasing worldwide demand for greater personal and political freedom and for the adoption of democratic principles of government. This growing demand derives from the powerful human desire to live in dignity and liberty, and the personal bravery and tenacity of men and women in every age and in every society who serve and sacrifice for the cause of freedom.

As Secretary Rice has stated: "Fulfilling the promise of the Universal Declaration of Human Rights and building vibrant democracies worldwide is the work of generations, but it is urgent work that cannot be delayed."

And now, Mr. Chairman and Members of the Committee, I will be happy to try to answer your questions.

Mr. SMITH. Thank you for your excellent statement.

I deeply regret, and I say this to all of our witnesses as well, we have about a half hour of voting. We will reconvene immediately after those votes are over. So we stand in recess.

[Recess.]

Mr. SMITH. The Committee will resume its hearing. And again, I want to apologize to all of you, and especially for our witnesses, for that delay.

Let me, Mr. Secretary, thank you for your patience, and just ask a couple of questions, first, beginning with Vietnam and the interconnectedness of human rights policy with other parts of our Government, especially our Trade Representative. As we all know, Vietnam is striving to accede to the WTO, they are definitely looking for our cooperation, and yet they remain a CPC country, as we all know. And having just been there, I was concerned, having met with dozens, really scores, of people who are either under house arrest like Father Ly and Father Loi or the Venerable Thich Quang Do. And like you said in your statement, you did raise the issue of Dr. Pham Song, who, as we all know, got 5 years in prison and a 6th year after the 5 years to be spent under house arrest simply for downloading What is Democracy from the U.S. Embassy, Hanoi. And I met with his wife while I was there, and we brought this out in fuller detail in a previous gathering of our Subcommittee when we talked about the Internet.

But it seems to me that for the Vietnamese to really garner our support economically, especially as it relates to the WTO, they need to be making progress and moving in the right direction when it comes to human rights. I have always maintained that it is unrealistic to think they will respect intellectual property rights and copyright infringement statutes when they don't even respect their own people and treat them with such impunity.

While I was in Vietnam, I met with a number of people from the Northern Highlands, the Central Highlands who have had their churches destroyed, some of whom have been subjected to forced renunciations of faith. And I know that Ambassador Hanford as well has brought that up repeatedly with the Vietnamese. And interesting enough, when I met with a group of pastors who were on a visitor's program just a couple weeks ago, who were accompanied by government minders, for want of a better term, I asked one of those minders what—because she purported to be with an NGO. And I asked her, who pays your salary? Well, the government. You can't be an NGO when the government pays your salary. It is just not a—particularly as directly as they do.

So I just would like to ask you whether or not the WTO and the head of the Special Trade Representative is working with our Human Rights Office in a cooperative way to say we mean business when it comes to human rights? Sure, we want you to prosper economically, but human rights matter with us.

Mr. LOWENKRON. Thank you, Chairman. Let me make a couple of comments on that. Well, first right off the top, yes, we are working closely together. And when I went to Vietnam to resume the human rights dialogue, I was not going solely as the Assistant Secretary of my bureau, but also on behalf of White House and the State Department to see if we could do something that needed to be done; in other words, to take a look at the relationship which Prime Minister Khai of Vietnam and President Bush, in the summer of 2005, agreed to elevate that relationship. And the issue was you cannot elevate it unevenly. What can we do in the issue of human rights so that, if we are to have a better, deeper, broader, more productive relationship with Vietnam, we would have to see progress on the human rights front?

This was the first time that I participated in a human rights dialogue with Vietnam. We had not had one since 2002; I was not in this position 3½ years ago. But I was told by those who went with me that, unlike the past human rights dialogues, this one was generally free and cooperative. There was an effort to try to address these issues. I did stress that we do not have human rights dialogues for their own sake; they have to be results-based. Results-based means that we need to have progress on individual cases, and we need to have progress on what I call thematic cases, like religious freedom, which is why Ambassador Hanford accompanied me. Secretary of State Rice said that she wanted the Ambassador to come with me and be an integral part of the human rights dialogue. So he was with me in Hanoi, and, in fact, he stayed on for an additional time to work on the religious issue.

It is clear that what you have in Vietnam is a desire for the WTO, but also a desire to host a good APEC summit when President Bush goes there at the end of the year. It also means that they want to find a way to deal with the CPC designation. And, again, that is why Ambassador Hanford was there, to tell them these are the things you have to do. And I also told them, I was very clear, I said that because the human rights dialogues that we had in the past were so desultory, that Congress passed the law that I am required by law to report to the Congress on the human rights dialogue that I have. And that is why I am looking forward to our hearing on the 29th when I will do exactly that.

Mr. SMITH. I appreciate that. I look forward to your further amplification on that, and also as well as how well or poorly our U.S. Trade Rep is working with you and whether or not they are actually taking the report into consideration, because very often it is a stovepipe mentality, and I think that enures against the people in Vietnam who need human rights just like anyone else.

Let me ask you with regard to the Human Rights Council, we had hoped to have the U.S. Ambassador to the United Nations here today for Henry Hyde's Full Committee hearing, but the votes actually pushed that off the docket for today. So one of the questions that I would have had for him, and I would like to ask you as well,

is on China and their statements about the Human Rights Council, who were effusive in their praise over the creation of this new Council. "It marks an historic moment," says China's Deputy Permanent Representative at the United Nations. And it seems to me, and I have looked at the resolution very carefully, it is the same old same old. It is a horizontal move, it is not a move forward, and may indeed actually be a step backwards when a simple majority of the General Assembly is the prerequisite for service on that Council. And as the language in the document says, they should take into consideration what a country is doing with regards to human rights.

Well, we have seen at the Human Rights Commission every year that the Chinese have worked that commission so effectively, they do it 24/7, and they have evaded through tabling the motion, a motion of no action, any kind of real scrutiny despite the best efforts on a number of occasions by the United States delegation.

So my concern is that while everyone is breaking out the champagne, I think it is doing a grave injustice to the people who are the victims all over the world, especially in places like the PRC. So my question really is, your take on this, can there be some reforms even though this document now—this statement by the General Assembly has been agreed to? I know that our Ambassador and the State Department has said we are going to work to try to make it better, but how do you make it better since the founding document then becomes very, very determinative as to which direction they go in?

And, again, I would note that even in response to your report, I went online and read the Chinese response to it, and it was farcical. As you know, the Chinese torture with impunity; they mistreat their women, especially their littlest girls, the missing 100 million girls who have been subjected to cruel forced abortion. And that is not all of them, that is just the disparity between male and female, since the one-child-per-couple policy went into effect, pure gendercide.

What can we do to fix this Human Rights Council going forward? And if you could speak to China, having just been there, as to how you think we might make some progress on that country.

Mr. LOWENKRON. Thank you. If I can make several comments.

I did read the China human rights report on the United States. And I agree with you, there are so many fundamental differences between our two countries. Let me highlight one in particular, and that is every day I hear from our own nongovernmental organizations who ask about our own behavior and who comment and criticize about our own behavior. If a Chinese individual were to raise 1/100 of what is in our human rights report on China, if they were to put that on the Internet, if they were to try to publish the article or just say it, they would be accused of violating state law. It would be viewed as tantamount to espionage. That is a fundamental difference between the freedom for debate in a free society and what happens in China today.

If I were the Chinese, I would not be so happy about drinking that champagne, because one of the things that China had set out to do in "reform of human rights in the UN," is to say we should move away from country-specific resolutions. They don't want

them. It is true that they work 24/7. They don't want to work at all on that issue. Their belief is that we should not be singling out any country. I raised the human rights in the UN context when I was in China, and Chinese officials answered that they find that country-specific resolutions are confrontational, which means, by definition, if you raise unpleasant issues it is confrontational and you are not interested in good relations.

I share your disappointment in terms of the Human Rights Council. I do believe it is better than the Commission on Human Rights, but when I think of where we were 2 years ago when we started down this path, I would have hoped for more.

In addressing your issue of what do we do now, I think it is a time for testing for this new Council. I think we need to see who is going to run, who gets on, what will go into the original—the first ground floor work of this Council, because, frankly, I don't think this Council has 5 years to prove itself. Mr. Eliasson said we will take a look in 5 years. In the court of world opinion, I think we will know very early on if they are going to be serious about tackling these human rights abuses or if they are not.

It is in that context that the Secretary made a decision for us to work with it, to see what can be accomplished with it. We hear the voices of nongovernmental organizations. Some of them support it, some were against, a lot were ambivalent, as we were. It is a time for testing, and that is what we are going to do in the months ahead.

Mr. SMITH. This is something that I will submit a dozen or so questions, if you could get back to us. But since we have another series of votes in the offing in an hour or less, and that could be a very long series, I would like to ask you very briefly, and we will move to the second panel.

On Cuba, the dissidents, the round-up in 2003 was an abomination. The best and brightest and bravest of Cuba are now behind bars. I am concerned about all of them, but Mr. Oscar Biscet is someone that I have a great affinity and respect for. You might want to speak to that.

Also if you could speak about Burma and the action by the Security Council, especially in light of the Havel-Mandela Commission statement. We had a hearing in this Subcommittee on Burma, and the time certainly is right to take it to the Security Council, it seems to me.

The forgotten people of India, the Dalits, you might want to speak to that and elaborate for the record later on. Russia you touched on, and the problems in Ethiopia. If you could answer a few of those, and I would like to spend all day here, but we do have votes. So, please, if you could, and then we will submit a larger series of questions.

Mr. LOWENKRON. Sure. And let me just say I will be available to come up and talk to you at any time on any of these issues.

In terms of Cuba, absolutely, most of those rounded up in the crackdown of 2003 are still languishing in prison. We have debated with some of our friends and allies what is the best approach. They said let us not be confrontational. Let us be quiet about it, and let us lower the temperature and try to get them out. That really has not worked.

Earlier this year the Secretary of State chaired a Cabinet-level meeting in order to develop and refine plans for post-Castro transition in Cuba. It covers the whole gamut of issues of how to deal with Cuba, and this is certainly an issue that will continue to get high-level attention in my bureau, the Department, and this Administration.

In terms of Burma, we will pursue all avenues on Burma. That means, first of all, seeing what more can be done in the United Nations context. Second of all, the Secretary of State raised Burma in Indonesia and in all of her stops. She is challenging ASEAN, and ASEAN is responding in a way that would suggest we are going to have a breakthrough anytime soon. But she has put that on the agenda. She insists that we need to end this reprehensible behavior on the part of Burmese.

In terms of the Dalits, 200 million of them, we are providing assistance programs, we are raising these issues with the Indian Government. We are dealing with the issue of forced conversions. This is something that is part and parcel in dealing with the human rights situation in India.

You mentioned Ethiopia. I would say that if there is one country that comes to mind in that part of the world in which you had a serious backsliding, it is Ethiopia. They had an election, and then they said, we don't like the results of the election, and 131 leaders of the opposition that refused to endorse the sham outcome ended up in prison. And the human rights situation in Ethiopia deteriorates.

I would also say it is the same with its neighbor, Eritrea, as well in which NDI, IRI, international nongovernmental organizations were all asked to leave last year. And I think the human rights report documents the sad state of human rights in both of these countries.

Mr. SMITH. Thank you, Mr. Secretary.

I would conclude in your conversations with the Indians with regards to the Dalits, if you could also bring up the use of gendercide in that country. One estimate, there may be some 60 million girls missing because of sex selection abortions, and that is a crime against women of horrific proportions. Thank you very much.

I would like to welcome our second panel to the witness table, beginning with Bishop Thomas Wenski, the elected chairman of the United States Conference of Catholic Bishops Committee on International Position Policy in November 2004. He assumed the role of the fourth bishop of the Diocese of Orlando. In that same year U.S. Attorney Paul Perez appointed Bishop Wenski to the Human Trafficking Working Group. He was appointed by Pope John Paul II as coadjutor bishop of the Diocese of Orlando in July 2003.

Elisa Massimino is the Washington Director of Human Rights First. She is the organization's chief advocacy strategist. She joined the Human Rights First as a staff attorney in 1991 and has directed the Washington, D.C., office since 1997. Previously she taught philosophy at several universities in Michigan before embarking on a second career in law. As litigation associate at Hogan & Hartson, she was pro bono counsel in many human rights cases.

We will then hear from Nina Shea, who has been an international human rights lawyer for 25 years, and for the past 10

years has directed the Center For Religious Freedom, a division of Freedom House, America's oldest human rights group. Since 1999, she has served as a Commissioner on the U.S. Commission on International Religious Freedom, where she is the Vice Chairwoman. She has authored numerous articles on religious freedom, including a piece on Iraq's Constitution published in the *Washington Post* on August 4, 2005. In mid-2005, she served as advisor in the drafting of the Iraqi Constitution at the U.S. Embassy in Baghdad.

Then we will hear from Mr. Ali al-Ahmed, who is a Saudi scholar and expert on Saudi political affairs. He is a writer and public speaker on Saudi political issues. He has authored reports on Saudi Arabia regarding religious freedom, torture, press freedom and religious curriculums; a frequent consultant to major world media outlets, including *CBS News*, CNN, PBS, *Fox News*, the *Washington Post* and Associated Press.

And finally we will hear from Ms. Sharon Hom, who is executive director of Human Rights in China and professor of law emerita at the City University of New York School of Law, a Fulbright scholar in China 1986 to 1988, and served on the U.S.-China Committee on Legal Education Exchange with China. Some of her publications include a coauthored interdisciplinary textbook and workbook, *Contracting Law*, and coedited *English-Chinese Lexicon of Women and Law*.

My understanding is Bishop Wenski cannot stay that long. Am I understanding of that correctly?

Bishop WENSKI. I have a plane to catch.

Mr. SMITH. So if you could proceed, and then maybe one or two questions, and then we will go to the rest of the panel.

**STATEMENT OF THE MOST REVEREND THOMAS WENSKI,
CHAIRMAN, COMMITTEE ON INTERNATIONAL POLICY, U.S.
CONFERENCE OF CATHOLIC BISHOPS**

Bishop WENSKI. Thank you, Mr. Chairman and Distinguished Members of the Subcommittee. I appreciate this opportunity to testify. As you noted, I am the chairman of the Committee on International Policy of the United States Conference of Catholic Bishops. I will summarize my remarks and ask that my full written testimony be entered into the record.

As you know, the Catholic Church has a rather broad concern for human rights, but today I will focus on three areas related to religious freedom: First, the importance of religious freedom and its relevance to the conflicts in the world today; second, at the request of this Subcommittee, the place of religious freedom and the status of Christians in some Islamic countries; and third, several recommendations for U.S. policies regarding human rights and religious liberty in Islamic countries.

The USCCB welcomes this year's human rights report as a reminder of our Nation's commitment to defend human rights as a central element of United States foreign policy. Religious freedom lies at the heart of human rights from the perspective of Catholic teachings. Religious faith is oriented to the ultimate concern and purpose of human life. To deny religious freedom is to rob human

persons of the ultimate meaning and direction of their lives. It is to violate their conscience.

Religious liberty begins with the right to worship according to one's conscience, but it does not end there. Religious freedom covers a broad range of vital activities from freedom to worship to freedom of conscience; from the right to establish schools and charities to the right to participate in and to seek to influence public affairs.

The promotion of religious freedom is also important for practical reasons. The moral values that flow from authentic religious belief can help build bridges between diverse communities. But our conference is not naive about the complex roles of religion in the world. In the context of globalization, ethnic and religious differences can be more easily exploited and manipulated for political ends. We have seen this tragic phenomenon in the Balkans, in the Sudan, in Rwanda, in India, and now in Iraq.

It is all too easy to misinterpret conflicts as primarily religious in nature. Often conflicts are complex combinations of economic, political, social and religious factors. A careful diagnosis of the unique aspects of each conflict is needed if the treatment is to be effective.

This complexity is why our conference is wary of too easily labeling conflicts as simply or totally religious. Government and other social institutions must be careful not to interpret conflicts too narrowly as primarily religious, because then other important causes, often the real causes of the conflict, may not be addressed.

Our conference applies the same fundamental criteria regarding religious freedom to all countries, whether or not they have Muslim, Christian, or other religious majorities. That said, there does appear to be a serious structural failure to recognize adequately the right of religious liberty in some countries with Muslim majorities. But the lack of religious freedom in some Muslim countries can be made worse in two ways: One, by ignoring or minimizing the problem; and two, by responding in ways that make the problem worse and put religious freedom at greater risk.

It is important to avoid an overly simplistic view that argues that there is a fundamental clash of cultures between all of Christianity and all of Islam. The violence in Afghanistan and Iraq, the ongoing conflicts in the Middle East and several conflicts in Africa come close to being perceived in overly simplistic terms as contests of East versus West or of all of Islam versus all of Christianity.

Like Christianity, Islam is a religion with different expressions. Tensions among these expression of Islam have been exacerbated by the rise of militant Islam and the misuse of faith to justify violence.

If our own dialog with some Islamic leaders we hear these kinds of concerns: How will Islamic societies meet the social, political and economic aspirations of their citizens? Will violence against the innocent be repudiated? What religious vision of Islam will gain ascendancy in the hearts and minds of Muslims, a more tolerant inclusive and engaged Islam or a more fundamentalist, exclusive isolationist Islam?

These realities require careful analysis, respectful dialogue and careful discussion. But the United States Conference of Catholic Bishops continues to be deeply concerned about mistreatment of

Christians and other religious minorities in some Islamic countries. This does not mean that every instance of violence against Christians should be interpreted as persecution, or that there is an inevitable and systemic persecution of Christians and other religious minorities in countries with Muslim majorities.

The conditions of religious freedom are different from country to country and region to region. In general it appears to be the case, however, that in societies with growing militant Islamist influences, there are also often increases in intolerance and discrimination against religious minorities, including Christians. Our country must be cognizant, however, of a number of other social, economic, political and military factors that contribute to situations in which religious intolerance toward Christians and other religious minorities is more likely to grow. None of these factors justifies religious discrimination or persecution, but these factors contribute to a climate that is more conducive to religious intolerance.

First, the powerful forces of secularization and materialism that often accompany globalization are perceived by many Muslims as threatening to traditional Islamic values, as they are perceived by many Christians as threatening to Christian values.

Second, many in the Islamic world interpret aspects of this struggle against terrorism as a struggle against Islam itself. This misinterpretation precipitates a reactionary impulse to equate anything Western with Christianity.

Tragically, the abuse and humiliation of prisoners and detainees in U.S. custody has reinforced negative perceptions of the struggle against terrorism in Islamic countries. Conduct of the so-called "War on Terrorism" merits careful and comprehensive review for its broader impact and consequences.

Third, the failure to secure a just solution to the Israeli-Palestinian conflict with its resulting occupation of Palestinian lands, the current occupation of Iraq by United States troops, and the continuing presence of U.S. military in a number of Muslim countries contribute to some Muslim suspicions and hostility toward our Nation and its Christian majority and sometimes spill over into prejudices and distrust of indigenous Christians in Muslim nations.

In our written testimony we comment on the situation of Christians in Saudi Arabia, Iraq, Egypt, Pakistan, Bangladesh, the Holy Land, Nigeria, and the Sudan. The situations in each of these countries are unique and require a tailored United States response from the absolute denial of religious liberty in Saudi Arabia to the complex factors that put pressures on Christians in the Holy Land.

While the difficult situations of Christians vary in different countries with Muslim majorities, our conference offers several general policy recommendations to support religious freedom in some of these countries.

First, the U.S. needs to make religious liberty even more central to its foreign policy and practice and work collaboratively, consistently and intensively with Islamic countries to foster respect for religious liberty in theory and practice. The U.S. Government is closely allied with countries such as Saudi Arabia, Pakistan, and Egypt, and therefore can have considerable influence on their policies and practices.

Second, we urge the U.S. Government to engage religious leaders more intensely and directly. Religious leaders can impact the attitudes and behaviors of leaders, and thus should be a key constituency for U.S. officials to consult.

Third, we recommend greater participation in and support for genuine interfaith dialogue. As Pope Benedict XVI said on August 20th, 2005, when he met with Muslim leaders in Cologne, Germany: "Interreligious and intercultural dialogue between Christians and Muslims cannot be reduced to an optional extra. It is in fact a vital necessity."

Fourth, we recommend promotion of concrete reciprocity in policies and practices that relate to religious freedom. Reciprocity means that the Catholic Church expects support for efforts to permit the construction of Christian churches, schools and other religious institutions in Islamic countries and it expects countries with Christian majorities to allow the same for their Muslim minorities.

Fifth, the U.S. must address the social, economic, political and military factors that make it easier for opponents of religious freedom to incite religious intolerance. Social inequities, intense secularization, some abuses in the struggle with terrorism, the use of religious language to justify violence, and military occupations provide fuel for the fires of religious extremism and intolerance.

This testimony has focused on some problematic areas of the relationships between Islam and Christianity. Constructive and respective dialogue with Islam is imperative in today's world. Rather than deploring a clash of cultures, we need to foster cultures of dialogue and respect as keys to justice and peace. Promoting human rights and religious freedom is critical to the church's life and mission and to the pursuit of international peace. It is also at the heart of our Nation's founding principles.

My hope is that this year's human rights report can help advance religious freedom and human rights in important and concrete ways. In the words of Pope Benedict XVI, "The defense of religious freedom . . . is a permanent imperative." Thank you.

[The prepared statement of Bishop Wenski follows:]

PREPARED STATEMENT OF THE MOST REVEREND THOMAS WENSKI, CHAIRMAN,
COMMITTEE ON INTERNATIONAL POLICY, U.S. CONFERENCE OF CATHOLIC BISHOPS

INTRODUCTION

Mr. Chairman and distinguished Members of the Subcommittee, allow me to thank you for this opportunity to offer testimony before the committee on the issue of human rights. Let me also express my appreciation to you for your leadership in promoting protection of human rights as a key aspect of U.S. foreign policy.

I serve as the Chairman of the Committee on International Policy of the United States Conference of Catholic Bishops. The Committee's mission and major priorities include the advancement of human rights and religious freedom. I will summarize my remarks and ask that my full written testimony be entered into the record.

This testimony of our bishops' Conference will address: the importance and nature of religious freedom and its relevance to conflicts in the world today; and at the request of the Subcommittee, religious freedom and the status of Christians in some Islamic countries; and recommendations for U.S. policies to improve religious freedom in countries with Muslim majorities. Given the limitations of time and focus, today's testimony will not provide a comprehensive overview of our serious concerns for religious freedom in countries without Muslim majorities. In addition, clearly our Conference will continue to refine and develop our perspectives on Christian-Muslim relations in light of our ongoing dialogue and experience.

The Annual Human Rights Report

The United States Conference of Catholic Bishops once again welcomes the release of the annual human rights report by the Department of State. These annual reports document progress or the lack of it in achieving human rights, and serve as a visible reminder of the commitment that our nation has made to pursue human rights as a central commitment of U.S. foreign policy.

In today's world, a world of unprecedented advances in many fields and yet one marked by crushing poverty, intractable conflicts, bloody violence and widespread denial of human rights, building an international order on the foundation of fundamental human rights is not simply a moral ideal; it is a practical necessity. As the late Pope John Paul II declared: "[R]espect for human rights [is] the secret of true peace."¹

Today's advances in human knowledge and capacity offer humanity an unparalleled opportunity to affirm in law and practice the human dignity of every person, regardless of their religious tradition, social status, ethnic background, racial group, or national origin. But to move toward greater respect for human rights, humanity's technological and economic achievements must be matched by moral advancement, greater commitment to human rights and the active pursuit of the universal common good of peace with justice. In the words of our late Holy Father, a genuine respect for human rights throughout the world would represent "a true milestone on the path of humanity's moral progress."² The annual human rights reports provide one important measure of this moral progress or lack of it.

Experience of the U.S. Catholic Bishops

The U.S. Catholic bishops are not strangers to the struggle for human rights and religious freedom. As pastors within a universal Church, we hear the cries and share the pain of believers of all religions around the world who suffer persecution, violence and discrimination. From apartheid in South Africa and religious persecution in the former Soviet Union and its satellites in Eastern Europe and Central Asia, to the human rights struggles in Central and South America, from today's challenges to religious freedom in China and Vietnam, Sudan and Nigeria, to those in Russia and Saudi Arabia, the Holy Land and elsewhere, our Conference has worked—sometimes visibly, and sometimes of necessity quietly—to defend, promote and advance human rights and religious liberty.

Delegations of our bishops' Conference have journeyed to many lands to express personally and visibly our solidarity with our brother bishops, our fellow Catholics and people of other faiths. The Conference has issued many public appeals and initiated numerous private communications to call for legal protections, to protest killings and detentions, and to promote victims' rights with the United States and foreign governments. Our Conference is deeply committed to promoting religious freedom consistently and persistently. We are proud to have played a significant role in the development and passage of the International Religious Freedom Act of 1998.

In our work for religious freedom, our bishops' Conference listens carefully to the pleas of those who suffer persecution and discrimination and learns from their experiences and seeks their counsel. This task includes consulting closely with local Catholic bishops throughout the world, with other religious leaders and with the Holy See. Our experience and conviction is that the victims of religious discrimination and persecution are often the best sources of information and the most reliable guides as to what should be done regarding their situation.

THE IMPORTANCE AND NATURE OF RELIGIOUS FREEDOM

Religious Freedom and Human Rights

In testimony before this Subcommittee on November 15, 2005, Bishop Ricardo Ramirez of the Diocese of Las Cruces, a member of our bishops' Committee on International Policy, made the case that religious freedom is the first of our freedoms and lies at the heart of human rights from the perspective of Catholic teaching. This assertion is based on both the conviction and the experience of our Church.

Pope John Paul II taught: "The most fundamental human freedom is that of practicing one's faith openly, which for human beings is their reason for living."³ Faith is oriented to the ultimate concern and purpose of human life. To deny religious

¹Pope John Paul II, World Day of Peace Message, January 1, 1999.

²Pope John Paul II, Address to the 34th General Assembly of the United Nations, October 2, 1979. (The Declaration of Human Rights "remains one of the highest expressions of the human conscience of our time.")

³Pope John Paul II, World Day of Peace Message, January 1, 1988.

freedom is to rob human persons of the ultimate meaning and direction of their lives. Constraining religious liberty diminishes our humanity.

In its *Declaration on Religious Freedom (Dignitatis Humanae)*, the Second Vatican Council declared: "The right of religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and reason itself."⁴ The Universal Declaration of Human Rights, adopted by many nations of the world, is based on human reason. Catholic teaching on human rights is based on both reason and religious faith. Both the United Nations' Declaration and Catholic teaching root human rights in the dignity of the human person. The fact that both human reason and religious faith can lead to respect for human rights is evident in the collaboration of diverse actors and groups throughout the world who work to promote respect for inalienable and universal human rights.

A commitment to human rights is not alien to any authentic quest for religious or moral truth because it flows from the very nature of the human person and emerges naturally in all authentic religious, moral and cultural traditions as they move to express ever more deeply the truth of human life. It is significant that nations with widely varying religious heritages have embraced the Universal Declaration of Human Rights.

It also is important to understand that full religious freedom is a rich reality with broad personal and societal implications. Religious liberty begins with the right to worship according to one's conscience, but it does *not* end there. Religious freedom covers a broad range of vital activities, from freedom of worship to freedom of conscience, from the right to establish schools and charities to the right to participate in and seek to influence public affairs. Religious freedom is inextricably linked to other fundamental human rights, such as freedom of association, freedom of speech, and the legal recognition of voluntary associations. Religious freedom is a right exercised by *both* individual persons *and* religious communities and institutions.

The Importance of Religious Freedom in U.S. Foreign Policy

The promotion and protection of religious freedom is also important for practical reasons. Despite some signs to the contrary, religion can be a powerful force for peace with justice. The moral values that flow from authentic religious belief can help build bridges between diverse communities. Our own bishops' Conference is involved in an interfaith initiative that unites religious leaders of the Jewish, Christian and Muslim traditions in the quest for peace in the Middle East. A shining example of the positive role that religion can play in the work of peace was the Day of Prayer for Peace in the World that was held in Assisi on January 24, 2002. The religious leaders gathered there from the four corners of the earth and virtually every major religious tradition adopted a Decalogue of Assisi for Peace. The first of its ten affirmations declared:

We commit ourselves to proclaiming our firm conviction that violence and terrorism are incompatible with the authentic spirit of religion, and, as we condemn every recourse to violence and war in the name of God or of religion, we commit ourselves to doing everything possible to eliminate the root causes of terrorism.⁵

Our Conference is not naïve about the complex and differing roles of religion in the world. We know that religion can be exploited and misused to foster conflict and intensify unhealthy rivalries. But we also know that religion is most often twisted in situations where coercion prevails over tolerance. In places enjoying authentic religious freedom, people are freer to enter into the quest for truth and more open to seeing "the other" as a brother or sister.

Given the enormous potential of religion to contribute to a more humane world, as well as the troubling ways religion can be manipulated, especially in coercive or repressive environments, religious freedom needs to be at the center of the work on human rights in U.S. foreign policy.

Nature of Conflict Today and Role of Religion

Today there is a growing recognition of the pluralism of religious belief. More and more people live shoulder to shoulder with others of different beliefs or no belief at all. Even in countries where one religion predominates, living in complete religious isolation is often no longer possible. Global communications sometimes make the world a virtual village. Increased immigration often makes people of diverse backgrounds neighbors. These new realities can move communities and nations in two

⁴ Second Vatican Council, *Dignitatis Humanae*, 1965 #2.

⁵ Decalogue of Assisi for Peace, January 24, 2002; Letter of John Paul II to All Heads of State and Government of the World and Decalogue of Assisi for Peace, February 24, 2002.

very different directions: toward greater respect for others of differing religious belief or toward greater fear and intolerance. The challenge before humanity is to help build a global culture and practice that respects religious freedom as a guarantor of human dignity and a contributor to peace with justice.

Growing pluralism and expanding global communications are making us more aware of the complexity of conflict today. In a world that is rapidly changing, many people are searching for identity and a greater sense of self determination. In the context of globalization, ethnic and religious differences can be more easily manipulated for political ends. We have seen this tragic phenomenon in the Balkans, in Sudan, in Rwanda, in India, and now in Iraq. Since in many societies ethnic and religious identities are closely aligned, it is often possible to exploit these identities for political advantage.

In some cases, there is a temptation to ignore or minimize the denial of religious freedom and its damage to the human spirit, its destruction of human community, and its role in bloody violence. However, it is also all too easy to misinterpret conflicts as primarily religious in nature. Religious differences and tensions certainly exist and there are violations of human rights and religious freedom perpetrated by religious believers of one faith against another or by those of no faith at all. However, the experience of our bishops' Conference leads us to see some, but not all, of these conflicts as less religious in nature and more political and economic in their underlying origins. Sometimes the conflict is a complex combination of several factors. For these reasons, a careful diagnosis of the unique aspects of each conflict is needed if the treatment is to be effective. The misuses of religion should never be minimized or excused, but neither should they become an excuse to ignore other causes of conflict.

This complexity is why our Conference is wary of too easily labeling conflicts as simply or totally religious. Such labeling can mask a complex web of underlying social, economic and political factors that contribute to the conflict, especially when there are perceived or real socio-economic inequalities existing between different ethnic groups. Governments and other social institutions must be careful not to interpret conflicts too narrowly as primarily or exclusively religious in nature because then other important causes of the conflict may not be addressed. Nor should governments and others neglect or turn away from the brutal reality of religious intolerance and violence where it is genuinely present.

RELIGIOUS FREEDOM AND THE STATUS OF CHRISTIANS IN ISLAMIC COUNTRIES

Islam and Christianity

This testimony will of necessity highlight areas of tension and conflict between Christians and Muslims, but it is important to remember that the Catholic Church at its highest levels has declared its "high regard" for Muslims. They worship the one God and trace their faith back to Abraham.⁶ In addition, Christians and Muslims share many moral commitments such as those to the poor, to justice and to family life. Our Conference is deeply committed to and involved in ongoing dialogue and common efforts with Muslim leaders.

The U.S. bishops have been and continue to be very concerned about the clear denial of human rights and religious freedom in a number of countries, including China, Cuba, Russia, India and others. However, at the request of the Subcommittee, this testimony will focus on some of the concerns surrounding religious liberty and the general situation of Christians in some Islamic countries. This focus, which is both timely and relevant, should not be interpreted as suggesting that these are the principal or only countries in which there are serious concerns for religious freedom or that other religious minorities that are not Christian do not suffer from religious discrimination. It is equally important to avoid an overly simplistic view that argues that there is a fundamental clash of cultures between all of Christianity and all of Islam. Christianity takes many forms as does Islam. Over-generalizing can become an exercise of prejudice. The Islamic community is a very large and complex community of faith and the conditions of religious freedom are different from country to country and region to region.

However, as Bishop Ramirez stated on behalf of our bishops' Conference in his November 2005 testimony to this same Subcommittee, some of the most significant challenges for religious freedom and forging constructive roles for religion in world affairs are developing relationships between Christians and Muslims. The violence in Afghanistan and Iraq, the ongoing conflicts in the Middle East and several con-

⁶Second Vatican Council, *Declaration on the Relation of the Church to Non-Christian Religions (Nostra Aetate)*, October 28, 1965, no. 3.

licts in Africa come close to being perceived, in overly simplistic terms, as just contests of East versus West, of all of Islam versus all of Christianity.

These realities and perceptions require careful analysis, respectful dialogue and candid discussion. Like Christianity, Islam is a religion with different expressions. Tensions among these expressions of Islam have been exacerbated by the rise of militant Islam and the misuse and perversion of faith to justify violence. In our own dialogue with some Islamic leaders, we hear these kinds of concerns: How will Islamic societies meet the social, political and economic aspirations and needs of their citizens? Will violence against the innocent be repudiated and resisted? What religious vision of Islam will gain ascendancy in the hearts and minds of most Muslims—a more tolerant, inclusive and engaged Islam, or a more fundamentalist, exclusive, isolationist Islam?

Regrettably, all religions, including Christianity, have in the past and are today wrestling with similar questions. It is a source of pain to acknowledge that Christians have at times failed to extend the tolerance and understanding that we ourselves expect. Over the centuries, the Catholic Church has deepened its own understanding of religious freedom and how to live our faith in a religiously pluralistic world. The history of intolerance and persecution of those of other religious traditions is a tragic reminder of what has happened and is at stake today. In preparation for the Jubilee Year 2000, our late Holy Father, Pope John Paul II acknowledged this history and expressed profound regret in these words: “Another painful chapter of history to which the sons and daughters of the Church must return with a spirit of repentance is that of the acquiescence given, especially in certain centuries, to *intolerance and even the use of violence* in the service of truth.”⁷

The perception of a great contest between Islam and the West is exacerbated by the history and experience of colonialism that the last is remembered by many in the Middle East, Africa and Asia. The pervasiveness of extremely secular and other outside pressures through some processes of globalization often cause apprehensions and tensions in these societies. These conflicts in turn can lead some in the Islamic world to conclude, rightly or wrongly, that their culture and religious beliefs are under assault by outsiders or the West as a whole. In this context misuse and distortions of religion tragically serve the political goals of extremists. Terrorism is used for many purposes, none defensible, including the goal of coercing other Muslims to abandon their own convictions and adopt a more militant version of Islam. Casting their cause as a conflict with Christianity, or with Judaism, extremists attempt to make their political objectives appear to belike basic religious obligations.

The US bishops' Conference continues to be deeply concerned about the mistreatment of Christians and other religious minorities in some Islamic countries and with growing tensions among different Muslim traditions. This does not mean that every instance of violence against Christians should be interpreted as persecution or that there is an inevitable and systematic persecution of Christians and other religious minorities in countries with Muslim majorities. It generally appears to be the case, however, that in societies with growing militant Islamist influences there are often increases in intolerance and discrimination against religious minorities, including Christians.

Tensions between Christians and Muslims

Our Conference applies the same fundamental criteria regarding human rights and religious freedom to all countries whether or not they have Muslim or other religious majorities. Human dignity demands that people have the freedom to worship and to practice their faith both personally and communally regardless of where they live.

The U.S. Catholic Bishops do not hesitate to voice our concerns, to call on governments and to work with leaders of other faiths to defend the right to religious freedom for Catholics and those of other faiths. In order to be effective, these efforts ought not simply condemn violations of religious freedom, but they should also seek to engage, encourage and persuade. Accurate analyses and reporting of the facts are necessary. This is one of the great values of the State Department's report on human rights and of reports by the U.S. Commission on International Religious Freedom and other human rights organizations.

The stark realities of religious repression should not be overlooked or minimized for political, economic or other reasons. At times, clear judgments and sanctions are required, but our Conference primarily emphasizes sustained engagement, persistent dialogue, and collaborative international efforts to improve and strengthen the commitment to religious freedom in affected countries around the world.

⁷ Pope John Paul II, *Tertio Millennio Adveniente*, November 10, 1994, no. 35.

There appears to be a serious structural failure to adequately recognize the right to religious freedom in some countries with Muslim majorities. This fact should not be denied or minimized. This serious problem of a lack of religious freedom in some Muslim countries can be made worse in two ways: by ignoring or minimizing the problem, and by responding in ways that make the problem worse and put religious freedom at greater risk. But the example of countries with Muslim majorities that better respect the rights, practices and principles of religious freedom should be acknowledged and held up as models.

Serious tensions and religious conflicts do exist between Christians and Muslims in some Islamic countries and the denial of religious liberty in these situations is a painful reality. But it is essential to recognize that these problems can be made worse by ignoring them or exacerbated by policies that reinforce the sense that Islam itself is under siege. Our nation must get the diagnosis right. In addition to addressing forthrightly infringements on religious liberty, our country must be cognizant of a number of other social, economic, political and military factors that contribute to situations in which religious intolerance toward Christians and other religious minorities is more likely to grow. None of these factors justifies religious discrimination or persecution. Nothing can justify the denial of this basic human right, but these factors clearly contribute to a climate that is more conducive to religious intolerance in Islamic countries.

First, “identity politics” can inflame religious differences. A resurgence of Islamic faith is serving to reinforce identity in many countries leading at times to overt discrimination and actual mistreatment of Christians. Our nation must promote equitable economic opportunity, equal participation in political decision making, and respect for local cultures. These actions can reduce the appeal of “identity politics,” which flourishes in places where there is inequality between ethnic or religious groups.

Second, the powerful forces of secularization and materialism that often accompany globalization are perceived by many Muslims as threatening traditional Islamic values. We see an example of this most recently with the publication of the religiously offensive cartoons in Western Europe and the subsequent violent reactions, a number of them orchestrated by governments. The cartoons were religiously insensitive, but the violence they engendered was unjustified. The U.S. and other nations need to find appropriate ways both to promote freedom of expression and to promote religious respect and cultural civility, especially in the media.

Third, many in the Islamic world interpret aspects and tactics of the struggle against terrorism as a struggle against Islam itself. This misinterpretation precipitates a reactionary impulse to equate anything western with Christianity. Indigenous Christians, who in most cases have local roots that predate the arrival of Islam, are erroneously identified and targeted as allies of adversaries of Islam. The struggle against terrorism must be conducted principally with non-military means and with the just and discriminate use of force only when absolutely necessary.⁸ Tragically, the abuse and humiliation of prisoners and detainees in U.S. custody has reinforced negative perceptions of the struggle against terrorism in Islamic countries.⁹ The conduct of the so-called “war on terrorism” merits careful and comprehensive review for its broader impact and consequences.

Fourth, religious nationalists, political extremists, such as Al Qaida and other terrorist groups, misuse religious language and imagery to pursue their own political objectives, along with coercion and terrorism, to inflame hatred and prejudices. Our nation needs to build relationships of mutual respect with religious leaders in Islamic countries and support in appropriate ways those courageous religious leaders who seek to correct the distortions and abuse of religion by militants and extremists.

Fifth, the failure to secure a just and peaceful end to the Israeli-Palestinian conflict with its resulting occupation of Palestinian lands, the current occupation of Iraq by U.S. troops, and the continuing presence of the U.S. military in a number of Muslim countries contribute to some Muslim suspicions and hostility toward our nation and its Christian majority and sometimes spills over into prejudices and distrust of indigenous Christians in Muslim nations.

⁸ cf. U.S. Conference of Catholic Bishops, *Living With Faith and Hope After September 11*, November 14, 2001, and Administrative Committee, United States Conference of Catholic Bishops, *Statement on the Anniversary of September 11th*, September 10, 2002.

⁹ cf. Bishop John H. Ricard, Chairman, USCCB Committee on International Policy, Letter to Senate on Prohibition on Torture, October 4, 2005; Statement on Abuse of Iraqi Prisoners, May 14, 2004.

Some Country Examples

Let me now cite specific examples to illustrate aspects of the situations in which Christians in some Islamic countries find themselves. These examples focus on problematic situations that vary widely.

Saudi Arabia. The U.S. Department of State has accurately declared that there is “no religious freedom” in Saudi Arabia. Islam is the official religion and only the state-sanctioned version of Sunni Islam is allowed. The legal and societal structure of the Kingdom discriminates against Shi’a Muslims and other religious minorities. While it is difficult to get an accurate census of the number of Christians in the country, rough estimates suggest that there are over 500,000 Catholics alone in Saudi Arabia as a result of the presence of many Filipinos. Catholics do not enjoy freedom to worship; it is forbidden by Saudi law. There are no churches and no public expressions of Christian faith. Strong societal pressures backed by government decree to conform to a strict version of Sunni Islam create a situation of extreme discrimination and a clear and on-going denial of the fundamental right of religious freedom.

Of course, the historic presence and role of Islam in Saudi Arabia needs to be acknowledged, but the persistent and complete denial of religious liberty to persons of other faiths living in the Kingdom needs to be addressed and overcome. The record of Saudi Arabia is one of the worst in the world. The U.S. government ought to make every effort to urge its ally to adopt and practice greater respect for religious liberty and human rights.

Iraq. While our Conference has raised serious moral questions about the decision to use military force in Iraq, we hope that Iraqis will be successful in forming a viable, stable, unified and democratic national government. However, we remain very concerned about human rights, including religious freedom, in Iraq. Even though the new constitution includes key affirmations of basic human rights and some helpful language regarding religious freedom, it also contains contradictory and ambiguous language that is deeply troubling. Constitutional provisions circumscribe religious liberty by not allowing any law to contradict the principles of Islam and by authorizing the appointment of experts in Islamic law to serve on the Supreme Court, even if they have no training in civil law.

These concerns are shared by the Assyro-Chaldean community and other religious minorities in Iraq. Chaldean Patriarch Emmanuel Delly III of Baghdad met with Iraqi President Jalal Talabani and Prime Minister Ibrahim Jafari on September 18, 2005, requesting that Article 2.1(a) be removed from the constitution. This article states that “no law that contradicts the established provisions of Islam may be established.” The Patriarch, together with other bishops and religious leaders of other minority communities, rightfully worry about the possibility of discrimination and persecution unless the constitution, and laws that will implement it, guarantee full and unhindered religious freedom.

Already thousands of Christians and other minorities have fled Iraq. Much of this emigration is due to the lack of general security and economic opportunity that affects all religious and ethnic groups in Iraq. But there are also fears of discrimination and persecution in light of the adopted Constitution and in the wake of repeated instances of violence, the bombing of churches, and harassment. Our Conference repeatedly raised these serious concerns with the Administration and other government officials and expressed our ongoing solidarity with the Church in Iraq.

In light of the recent attack on the Golden Mosque of Samarra and the subsequent deadly increase in violence between Shi’a and Sunni Muslims, our Conference is even more deeply concerned for the protection of human rights and religious freedom in Iraq for both Muslims and religious minorities. Both adequate security and religious freedom are keys to peace in Iraq. The U.S. government must continue to make security a priority in Iraq and should encourage Iraqis to adopt constitutional provisions, implementing legislation, and policies and practices that fully respect religious freedom.¹⁰

Pakistan, and Bangladesh. These two countries have relatively small Christian minorities, including Catholics. In both countries there have been shameful attacks on Christians, resulting in the burning of churches, false accusations of blasphemy—a capital offense in Pakistan—and not a few murders. Some of the underlying prejudices that may contribute to harassment and attacks relate to socio-economic status, but religion is clearly a factor. In both countries, the government has

¹⁰ cf. Bishop Thomas G. Wenski, Chairman, USCCB Committee on International Policy, *Toward a Responsible Transition in Iraq*, January 12, 2006; Letter to Secretary Condoleezza Rice and National Security Advisor Stephen Hadley, Bishop John Ricard, August 8, 2005; Letters to Secretary Colin Powell and Interim Prime Minister Iyad Allawi on Iraqi Christians, Bishop John Ricard, October 22, 2004.

made excuses about its inability to control groups of extremists, but it seems abundantly clear that much more can and should be done to insist that these governments act with improved effectiveness, greater conformity with international law and stronger respect for religious rights.¹¹ The U.S. government has close relationships with these countries and needs to work with them to improve their records and performance on religious freedom, including more robustly defending the lives, property and rights of religious minorities. In the case of Pakistan, the blasphemy laws and their implementation remain serious issues.

The Holy Land—Israel and the Occupied Palestinian Territories. Most Christians in the Holy Land are Arabs. The exodus of Christians from the Holy Land and other parts of the Middle East has been occurring for decades and the reasons for it are complex. Surveys of Palestinian Christians suggest that most leave for lack of economic opportunities. Others leave due to the continuing violence and political turmoil. These surveys appear to indicate that Palestinian Christians do not leave primarily for reasons of religious discrimination.¹²

In the Holy Land, Christians are often caught between the Israeli Jews and Palestinian Muslims. While Christians in the past have often played a bridge role, this is becoming more difficult as the two sides move further apart and as the numbers of Christians continue to diminish. Since the second intifada and the collapse of law in parts of the occupied territories, Christians feel more vulnerable for a variety of reasons, including the route of the Israeli security wall that divides many Christian communities and isolates them from access to holy sites and economic opportunities, and seizures of land and water resources related to building the wall and to criminal groups that the Palestinian Authority has been unable or unwilling to control. The groups have fraudulently taken some of the homes of Christians, e.g. in the Bethlehem area.

The difficult situation of the Church in the Holy Land is exacerbated by the failure to make adequate progress in the Vatican-Israeli negotiations on implementation of the Fundamental Agreement between Israel and the Holy See. Many Church agencies and institutions are put at risk by tax policies and other problems. It is long past time to fulfill the promises and potential of this landmark agreement.

The recent election of a Hamas-led government certainly presents a major new obstacle to the peace process. Hamas must recognize Israel and renounce terrorism if it is to be in a position to promote a just peace and to secure a viable state for Palestinians. The failure to achieve a genuine two-state solution to the conflict will continue to put pressure on the Christian community. In recognition of the growing poverty and despair in the occupied territories, our Conference has urged the U.S. to find appropriate ways to deliver urgently needed assistance to the Palestinian people, especially through non-governmental organizations. Christian agencies provide valuable social services and cutting off aid will hamper their ability to maintain a presence and have an effective role in Palestinian society.

The election of Hamas could also present new challenges and dangers for religious freedom for Christians. Hamas' stated commitment to building an Islamic state raises great concern; however, it will be important to see what a possible Islamic state will mean in practice and whether such a state will adopt discriminatory practices against Christians or allow others in society to do so.

The U.S. should make clear to all those in the Holy Land that their future requires peace and security for two peoples and genuine religious freedom for the three religions for whom the land is holy (as well as for all other religious minorities). Strong and persistent U.S. leadership is needed to hold Palestinians and Israelis accountable to their "road map" obligations. The U.S. must challenge and restrain both parties to the conflict, but in different ways. Hamas has to reject terrorism and recognize Israel in order to enter into a sustainable peace process. Israel must restrain military responses and avoid actions that compromise a two-state solution. In addition, the U.S. must continue to press Israel to conclude successfully negotiations with the Holy See related to the Fundamental Agreement.¹³

¹¹ Letter to Ambassador Jehandir Karamat on Terrorist Attacks Against Christian Churches, Bishop Thomas Wenski, February 24, 2006; Letter to Pakistani Ambassador on Attacks, Bishop Thomas Wenski, November 17, 2005; Letter to Pakistani Ambassador on Intolerance in Bahawalpur, Cardinal Bernard Law, November 2, 2001; Letter to President Bush on Violence in Bahawalpur, Cardinal Bernard Law, November 2, 2001; Letter to Secretary Albright on Religious Freedom, Archbishop Theodore McCarrick, December 2, 1998; Letter to Pakistani Ambassador on Blasphemy Law, Bishop Daniel Reilly, February 22, 1995.

¹² Palestinian and Arab Christians: The Challenges Ahead. Dr. Bernard Sabella, University of Bethlehem, September 22, 2004, p. 14.

¹³ cf. Bishop Thomas Wenski, Chairman, USCCB Committee on International Policy, Letter to Chairman Henry Hyde on Palestinian Aid, March 1, 2006; Bishop William S. Skylstad, Presi-

Egypt. The indigenous Coptic Church in Egypt is the largest community of Christian Arabs in the world. Catholics make up a relatively small percentage of the minority Christian population. Christians in Egypt face serious patterns of discrimination and intolerance. Violence against Christians has grown, especially with the rise of the Muslim Brotherhood with its Islamist agenda and opposition to the government. Christians accuse the government of being lax in protecting Christians from violence and of discriminating against Christians in making government appointments and actively inhibiting evangelization. In addition to the discrimination and harassment suffered by individual Christians, the Church faces significant institutional restrictions. Serious complaints include discrimination in granting permission for building or repairing churches. Until recently, school textbooks ignored Coptic contributions to Egyptian history. This recognition of Coptic history is a modest improvement that must be built upon in order to promote full respect for religious minorities in Egypt. Perceived economic inequalities in a country of high unemployment and poverty contribute to discriminatory behavior toward Christians.

Egypt is a strategic ally of the United States and a major recipient of U.S. foreign assistance. Our government should effectively press our Egyptian allies to improve the treatment of Christians and other religious minorities and to encourage democratic, economic and human rights reforms to address the wider social factors that contribute to a climate of intolerance and denial of religious liberty.

Nigeria. Religious conflict between Christians and Muslims has increased since the new government came to power, a situation aggravated by the imposition of Sharia law in Muslim-dominated northern states. Since 1999 more than 10,000 Nigerians have died in violence along sectarian lines. Churches and mosques have been destroyed. The government of Nigeria has not responded decisively to the violence or to the sharia controversy. Impunity makes the situation worse; few of the Christians and Muslims who have been implicated in the violence over the years have been prosecuted. Christians living in the Muslim-dominated northern states express deep concern over the imposition of sharia law and discrimination that manifests itself in the denial of permits to build or repair religious institutions, lack of access to education and state-run media, and discrimination in government representation and employment. Muslim minorities living in the south report some of these same concerns.

The situation in Nigeria is not solely a religious conflict. Difficult social, economic and political factors aggravate the conflict that flows along ethnic and religious lines. Despite the country's vast petroleum-based wealth, the average Nigerian is growing poorer. The failure of Nigeria to provide adequate education for the vast majority of its citizens has given rise to a large, frustrated and angry underclass of mainly urban, unemployed youths. The presence of many unemployed young men has repeatedly proved to be highly combustible fuel which cynical demagogues are able to ignite into violence. The patterns of conflict that have emerged in Nigeria over the past decade suggest that violence can be traced to the exploitation of disempowered groups by ambitious politicians (and sometimes religious leaders) for their own purposes. There are reports that outside groups are funding extremist Muslims attempting to impose a radical Islamist agenda that is foreign to Nigeria. Significantly, recent troubles among fellow Christians in Akwa Ibom State in the Niger Delta demonstrate the impact of economic differences, social divisions and political manipulation in fostering conflict.¹⁴

The U.S. government needs to employ an integrated strategy in Nigeria that addresses both religious freedom and the other factors that contribute to the sectarian violence. The U.S. should urge the Nigerian government to combat religious coercion, to protect the religious freedom for both Christians and Muslims, especially when they find themselves in the minority, and to address the imposition of sharia law, ensuring that it does not apply to non-Muslims and that its implementation does not violate basic human rights. The U.S. should also work with the Nigerian government to encourage stronger action against sectarian violence and to adopt greater transparency and anti-corruption efforts. The difficult economic situation needs to be addressed through both reform and sufficient, effective and accountable foreign aid.

Sudan. Our bishops' Conference has been deeply involved in addressing the heinous violence and religious persecution in Sudan. Delegations of bishops have visited Sudan, witnessed untold human suffering that results from assaults on innocent civilians, and met with religious and government leaders. Our Conference has

dent, USCCB, Letter to Dr. Condoleezza Rice, Secretary of State Designate, on Negotiations Between Israel and the Holy See, January 18, 2005.

¹⁴cf. Catholic Bishops' Conference of Nigeria, *Building God's Kingdom of Justice and Peace*, March 10, 2001.

issued numerous statements and public letters and has initiated many meetings with U.S. officials.¹⁵

At the heart of Sudan's deadly civil wars there is a violent struggle for ethnic identity, of which religion forms an important component, as well as a struggle for control of the country's natural resources, especially oil. For many years, the government in Khartoum has aggressively pursued a program of Islamization and Arabization that has resulted in attacks on and war with the Christians and other non-Muslims in the south, attacks against innocent civilians and a vicious war that still rages against African Muslims in the western region of Darfur, and continued harsh discrimination against religious minorities, including Christians, in the north. Our Conference has repeatedly condemned Khartoum's actions, actions that the U.S. government has labeled genocide. In Darfur, widespread violence and violations of human rights continue, despite inadequate international attempts to alleviate the suffering.

The signing of the North-South Comprehensive Peace Agreement and the formation of a government of national unity has raised some hopes for a peaceful and equitable solution to the strife between northerners and southerners, but obstacles remain to the full implementation of the comprehensive peace agreement. The situation of Christians in the south in terms of religious freedom has improved dramatically, but there are urgent needs to direct humanitarian and development assistance to southern Sudan as they rebuild their devastated communities and refugees return. Adherence to the terms of the Comprehensive Peace Agreement also requires monitoring.

The situation of the Christian minority living in the north remains precarious. Christians report discrimination in accessing limited government services and in securing permits to build churches. It is unclear if Christians in the north will be exempt from the requirements of sharia law and there are reported instances in which this has not been the case. Conversion from Islam is a capital offense in the north.

Despite the agreement reached at Abuja on July 5, 2005 between the government in Khartoum and rebel forces in Darfur, and the efforts of the international community and the African Union peacekeeping force, the innocent people of Darfur are still suffering from the effects of violent clashes between the Sudanese army and the rebel forces, as well as from the continuing attacks against innocent civilians by the Janjaweed militia.

The U.S. needs to ensure effective monitoring of the implementation of the north-south peace accords, direct much needed aid to southern Sudan, keep pressure on the government to end severe violations of religious freedom in the north, and take steps to bring an immediate end to the heinous acts of destruction and violence against the people of Darfur. The U.S. should provide concrete support for peacekeepers in Darfur and demonstrate that it protects the human rights and religious freedom of persons of all races and religions wherever they are threatened.¹⁶

POLICIES TO SUPPORT RELIGIOUS FREEDOM IN SOME ISLAMIC COUNTRIES

While the difficult situations of Christians vary in different countries with Muslim majorities, our Conference offers several general policy recommendations to support religious freedom in some of these countries.

First, the U.S. government needs to *make religious liberty even more central* to its foreign policy in both policy and practice. Our bishops' Conference vigorously supported the creation of the Office of International Religious Freedom in the Department of State and the U.S. Commission on International Religious Freedom in the belief that religious freedom lies at the heart of human rights and deserves greater support and higher visibility in U.S. foreign policy. Religious freedom is also a key to achieving greater justice and peace in our world.

¹⁵ Bishop John H. Ricard, SSJ, Chairman, USCCB Committee on International Policy, Letter to the Honorable Richard G. Lugar on the Darfur Peace and Accountability Act of 2005, October 31, 2005; Statement on National Day of Action for the People of Darfur, September 21, 2005; Letter to the Honorable Henry Hyde on the Darfur Peace and Accountability Act, August 10, 2005; Statement on the Death of Dr. John Garang de Mabior, August 3, 2005; Statement on Southern Sudan Peace Agreement, January 13, 2005; Bishop Wilton D. Gregory, USCCB President, Cry of the People of Darfur, November 16, 2004; Bishop John H. Ricard, Protect Human Lives in Darfur, October 27, 2004; Bishop John H. Ricard and Mr. Ken Hackett, President, Catholic Relief Services, Letter to Secretary Powell Supporting Emergency Funding for Sudan, September 30, 2004; Bishop John H. Ricard, Letter to Secretary Powell on Darfur, June 28, 2004; Statement on the Crisis in Western Sudan, May 5, 2004; Testimony by Catholic Relief Services before the Senate Foreign Relations Committee Subcommittee on African Affairs, "Implementing U.S. Policy in Sudan," July 11, 2002.

¹⁶ cf. Bishop John H. Ricard, SSJ, Chairman, USCCB Committee on International Policy, *A Milestone for Peace in Southern Sudan, A Call for Peace in Darfur*, January 13, 2005.

While every country needs to respect human rights and religious liberty, the U.S. needs to work collaboratively, consistently and intensively with Islamic countries to foster respect for religious liberty in theory and practice. The U.S. government is closely allied with countries such as Saudi Arabia, Pakistan and Egypt and can have considerable influence on their policies. At the same time, it is important to do this in ways that are respectful of the concerns of all religious communities, including Muslims. A strong and culturally respectful approach will help our nation to avoid inadvertently strengthening the perception that native Christian populations in Islamic countries are somehow identified with the West and are not truly members of their own societies.

Second, we urge the U.S. government more intensively and directly to *engage religious communities and religious leaders*. Often governments, including our own, work constantly with non-religious and non-governmental human rights organizations. We commend these groups for their often valuable work and encourage the U.S. government to continue and enhance this collaboration. In order to model religious tolerance and demonstrate respect for religious communities, the U.S. government and others also need to consult and work with religious leaders in ways that respect the distinct complementary roles of state and religion. Since religious leaders can impact the attitudes and behaviors of believers, they should be a key constituency for genuine engagement and consultation for U.S. officials.

Third, we recommend greater participation in and support for genuine *interfaith dialogue*. Dialogue is not easy in times and situations of conflict. But our experience suggests the necessity of encouraging honest dialogue that is candid and respectful. Government leaders can help create conditions favorable to such dialogue, but must allow religious leaders and communities to enter into such dialogue constructively and in ways that respect the appropriate freedom and role of religion.

Earlier in this testimony, I cited the Second Vatican Council which declared our “esteem” for Muslims and committed the Church to interfaith dialogue. Authentic dialogue cannot be just vague expressions of good will, empty of a search for truth and unity. Genuine interreligious dialogue can be a force to heal divisions only if dialogue safeguards and respects the truth in each religion and culture. Attempts to water down, denigrate or distort the particular character, beliefs or practices of respective religious communities can itself be an offense against religious freedom. Efforts to compel religions to alter fundamental tenets or moral principles can lead to further stumbling blocks on the path to religious liberty and to peace.

Promoting religious freedom and improving relations between Christians and Muslims are complementary goals that demand honesty, intellectual rigor and authentic commitment to one’s own faith tradition. As Pope Benedict XVI said in his August 20, 2005 meeting with Muslim leaders in Cologne, “Interreligious and intercultural dialogue between Christians and Muslims cannot be reduced to an optional extra. It is in fact a vital necessity . . .” Both the Holy See and our Conference are carrying forward important dialogues with Islamic leaders to deepen way to foster understanding and to determine what can be done cooperatively. Dialogue can clarify differences, increase understanding and reduce tensions. Our bishops’ Conference remains committed to this vital task.

Fourth, we recommend promotion of concrete *reciprocity* in policies and practices of law that relate to religious freedom. At the heart of the Holy See’s current efforts there is a call for mutual respect and reciprocity. As Pope Benedict XVI, said in an address to the Ambassador of Azerbaijan:

Such commitment demands that religious freedom, which preserves the singularity of each faith community, be sanctioned as a fundamental civil right and afforded protection by a robust framework of juridical norms which respect the laws and duties proper to religious communities (cf. Second Vatican Ecumenical Council, Declaration on Religious Freedom, *Dignitatis Humanae*, 2). Such practical support of religious freedom by political leaders becomes a sure means for authentic social progress and peace.¹⁷

Reciprocity means, for example, that the Catholic Church expects support for efforts to permit the construction of Christian churches, schools and other religious institutions in Islamic countries, and expects countries with Christian majorities to allow the same for their Muslim minorities. Our nation, with its long tradition of religious freedom should encourage reciprocity in the treatment of religious minorities in countries with Muslim majorities.

Fifth, the U.S. must *address the social, economic, political and military factors* that make it easier for opponents of religious freedom to incite religious intolerance.

¹⁷ Address of Benedict XVI to H.E. Mr Elchin Oktyabr Oglu Amirbayov, Ambassador of the Republic Of Azerbaijan to the Holy See, Thursday, June 16, 2005.

Although nothing justifies religious discrimination and persecution, social inequities, intense secularization, some abuses in the struggle with terrorism, the use of religious language to justify violence, and military occupations provide fuel for the fires of religious extremism and intolerance.

CONCLUSION

As leaders of a religious community, our own faith and our respect for the faith of others commits us to defend and promote human rights and religious freedom as a central moral priority. We seek to protect the right of our Church and of all other religious communities to exist and to express their faith in society and the public arena as well as in private prayer and public worship. Our bishops' Conference defends the right of religious communities to engage in public debate and to offer their moral vision, their values and their view of the common good. What the U.S. government says and does to protect and promote religious freedom and to advance other human rights has a powerful impact on other nations—for good or ill—and can help shape a world more respectful of human rights and religious freedom.

This testimony has focused on some problematic areas of relationships between Islam and Christianity. Our Conference calls for new and better efforts to understand and engage Islam and Muslim leaders. Constructive and respectful dialogue with Islam is imperative in today's world. Rather than deploring a clash of cultures, we need to foster cultures of dialogue and respect as keys to justice and peace.

Promoting human rights and religious freedom is critical to the Church's life and mission and to the pursuit of international peace. It is also at the heart of our nation's founding principles. My hope is that this important hearing and this human rights report can help advance religious freedom and human rights in important and concrete ways. In the words of Pope Benedict XVI, "The defense of religious freedom . . . is a permanent imperative . . ." ¹⁸

Mr. SMITH. Thank you so very much, Bishop. And I thank the other panelists.

If we could just ask one or two questions, and then we will continue with the panel. I know you have a plane to catch.

First of all, thank you for your concrete recommendations. I would just note that when we worked on the International Religious Freedom Act, which was actually opposed by the previous Administration on the record in testimony before this Committee, because I chaired this Committee then as well, we were able to overcome that because we had bipartisan support, but, most importantly, because we had the support of a broad range of faiths including the Catholic Conference. So I thank you. There would have been no IRFA, there would have been no commission and no office at the State Department had you not done that. Thank you so much, Bishop, for that.

We did find in doing our hearings, and Nina Shea remembers this, there was an aloofness on the part of many of our folks in the State Department, and at times even a misunderstanding of people of faith. So if you could, comment on how well or poorly you think we are doing when it comes to the U.S. Government engaging. Are our Embassies doing a better job? Are they reaching out?

Bishop WENSKI. They are doing somewhat of a better job thanks to this legislation that you cited. They have to reach out more in support of the role of religious leaders, and certainly can engage with them in the various countries in which they represent us. Religious leaders are important parts of civil society. You cannot have a dialogue with a civil society and exclude this very significant part of society.

¹⁸ Address of His Holiness Pope Benedict XVI to Representatives of Some Muslim Communities, Cologne, August 20, 2005.

Mr. SMITH. Let me just, if I could, ask what are the top five or six countries in the world within which the Catholic Church and other people of faith are having the most difficulties, in your view?

Bishop WENSKI. It would be hard to list them at this time. Of course, in Saudi Arabia we have no religious freedom at all. And there are hundreds of thousands of Catholics and other Christians working in that country, mostly from the Philippines, who are deprived of any freedom to practice their religion and are subject to arrest or harassment if indeed they are caught practicing their religion.

China continues to be an area of concern for the church. And you will note how the Holy See has taken the initiative in trying to reach out to China. Last October when the Senate on the Eucharist was held in Rome, the Holy Father invited a number of bishops from China to attend, and they were impeded from attending by their government.

Again, we are concerned when nations like Pakistan do not seem to do enough to protect their own citizens who happen to be Christians from vigilante violence or mob violence. This has happened in recent weeks in Pakistan, for example, when Christian churches or Christians were attacked and their churches and properties destroyed.

And we can go down a whole list. The church in Cuba has been struggling to regain space in order to fulfill its essential mission to its people and is having a very difficult time.

In Sudan we are hopeful that the conflict between Christians and Muslims seems to have calmed down a bit, but we are still concerned about the racial violence in Darfur. And, of course, there is the Balkans. You can go down the line.

So I wouldn't want to list one as more important than another, because we try to respond to the concerns of the local hierarchies in each of these countries.

Mr. SMITH. If I could just conclude. When our director of policy and I were in Vietnam, we met with Cardinal Man as well as the bishop in Hanoi and Ho Chi Minh City. And this would probably fall within your category of reciprocity. I know that has to do with church buildings and things of that kind, but also the idea that we allow organizations and churches, faith-based groups, to engage in charitable work, and one way that I think the church is winning over people in Vietnam as well as people in the government is providing HIV/AIDS work and hospices. Some of it has not gotten the approval yet from Prime Minister Khai and others. But the point is they are pushing very, very hard because in one case they will say you can worship, but very carefully circumscribe what the church can do. If there could be a breakout there for charitable work.

Bishop WENSKI. That is an important contribution that our conference makes through Catholic Relief Services in countries like Vietnam, Cuba, Palestine and other places.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. I know you are on your way out, and I did not hear your testimony. However, I do know that you know the Conference of Catholic Bishops can be very, very powerful when you get behind issues. I mean, just the late Pope

John Paul with his movement toward democracy certainly made Poland—I think the whole glasnost and perestroika might have started from his going to a Communist country and speaking about freedom.

I know that the Conference of Catholic Bishops tends to work with its own members, but there is a strong coalition as it relates to Darfur, ecumenical people. It is gathering strength every day. And I wonder whether—and at the last meeting, there was a Catholic representative of either the bishops or some hierarchy in the Catholic Church.

I would appeal to you to have discussion regarding Darfur, because it is such a horrendous situation. I know where your heart is. If there could be a joining in with this broad coalition. We had a meeting with 150 rabbis in New York from Connecticut, New York, and New Jersey on Monday at the Anti-Defamation League and had a protest outside of the United Nations to urge them to do more. I would urge that that might be——

Bishop WENSKI. We would be happy to take a look at that. My predecessor as Chair of the committee, Bishop Ricard, on behalf of our committee and on behalf of the Bishops Conference, has visited the Sudan on several occasions in the past several years, and through our Catholic press and through our networks we have raised the issue of Darfur and the killings that are going on right there. So we are very aware of Sudan, and we will look into how we can perhaps bridge with other people in bringing more attention to this situation there.

Mr. PAYNE. Thank you.

Mr. SMITH. I appreciate it very much. Thank you.

Ms. Massimino.

Bishop WENSKI. Excuse me for leaving early.

**STATEMENT OF MS. ELISA MASSIMINO, WASHINGTON
DIRECTOR, HUMAN RIGHTS FIRST**

Ms. MASSIMINO. While you are leaving, Bishop Wenski, I just want to express our gratitude to the Catholic Church and the U.S. Catholic Conference in particular for all the help that you given us on all kind of human rights issues from refugees to torture, and for your work in particular.

Thank you, Mr. Chairman and Mr. Payne. Thank you for convening this hearing and for the opportunity to share our perspective on the State Department's country reports. I have a longer statement for the record, if I could submit that.

Mr. SMITH. Without objection, it will be in the record.

Ms. MASSIMINO. That statement includes a dozen recommendations for improvements in the State Department country reports.

We are so grateful to you, Mr. Chairman, for your many years of leadership in this area. You and your staff really seem to have an inexhaustible source of energy for pressing abusing governments to respect the inherent dignity of people around the world. And human rights advocates all over the world enjoy no greater ally than you in their struggle to make these rights a reality. We deeply appreciate your leadership.

Production of the annual country reports is an enormous undertaking, so I want to commend the hundreds of State Department

and Foreign Service personnel who participated in this effort for their professionalism and diligence in the production of these reports. We appreciate very much the degree to which they have welcomed our input on the reports over the years, and we welcome this opportunity to offer our views on how the reports can be strengthened and improved.

As you know, the quality and accuracy of the country reports has been a focus of my organization for many years. For 18 years we produced a critique of the reports, and we continue to believe that the reports benefit from critical input by NGOs. In addition to the importance of the reports to you, to Congress, human rights advocates around the world eagerly await their publication every year. Obviously no government, including our own, relishes public criticism, and a few governments, including China and Russia, routinely dismiss the reports as an exercise in imperialism from an imperfect country.

But the eagerness with which citizens of those countries await the reports and use them to pressure their own governments belies these claims. It also underscores how critical it is that the reports be as objective and accurate as possible. The value of the reports as a baseline for foreign policy is directly proportional to their objectivity. So flinching from the truth not only does a disservice to Congress, but undermines the usefulness of the reports to human rights advocates abroad.

Ensuring that the reports actually play a role in guiding U.S. foreign policy has always been a challenge, particularly when the reports are critical of United States allies. But that challenge would be made even greater if the reports were to slip back into the pattern of political bias that characterized their early years.

Happily, on two of the most important countries, Russia and China, this year's reports are quite strong, appropriately so, and constitute an improvement over last year's reporting. Russia and China, as I said, have both publicly denounced these reports, but they cannot dispute the facts about their abysmal and worsening human rights records.

The Russia report adopts a number of recommendations we made last year. One of those was that the report highlight violations up front in the overview section. This year's report does just that. There is also more detail on violations in Chechnya, and there is a greater willingness in the report to attribute violations there directly to government forces.

In addition, the report creates new categories including "Political Prisoners" within the section on fair trials. Last year we were disappointed in some of the reporting on the cases of human rights defenders, and we recommended to the State Department that one defender, Mikhail Trepashkin, be labeled as a political prisoner. In this year's report he is included in the new section on political prisoners.

The report on China's human rights record is equally strong. I will leave the detail to the experts that we have on this panel. But I wanted to note in years past the China report was the target of substantial criticism by NGOs and this Committee for its equivocation and glass-half-full approach. This year for its forthrightness, comprehensiveness and willingness to attribute violence to govern-

ment actors, the report on China is worthy of emulation in other country chapters.

This year's report on Colombia begins with an overly optimistic assessment of human rights progress before presenting a comprehensive litany of facts which compels the contrary conclusion. The overview section of the report is important. The Colombia report should take a lesson from this year's Russia report and make sure that the overview conclusions are actually linked to the facts contained in the body of the report.

On Egypt the report is comprehensive and generally balanced. There is particularly strong coverage of the limitations of the Presidential elections and the intimidation of the nonviolent political opposition during the election period. In light of the report's emphasis on the inadequacies of the election, however, it is puzzling that the report fails to criticize the detention, prosecution and conviction of opposition political leader Ayman Noor. It reports on the forgery charges against him without comment, although many independent observers doubt the validity of these charges, and it ascribes allegations that Noor was beaten at the time of his arrest to human rights organizations, rather than condemning these violations in its own voice.

This year's report also omitted an important observation that was included in last year's report criticizing the policy of trying civilians before military courts. This continues to be a problem in Egypt, and that line should be restored to the report.

In Indonesia the report is a fair compilation of events, but as in years past, the report fails to evaluate these events and sometimes even to cite widely available criticism from credible sources. There is a detailed accounting of all the acquittals from the East Timor trials, but no mention of the fundamental weaknesses of the process which the UN Commission of Experts found manifestly inadequate.

Finally, there is no mention in the extensive discussions of police abuses of Detachment 88, a police antiterrorism unit created and operated with extensive U.S. support. One respected Indonesian NGO reported this year of numerous cases of arbitrary detention and torture by that unit. The report mentions one of those cases, but it fails to identify Detachment 88 as the perpetrator.

The country reports are the flagship publication of DRL and have earned worldwide respect for their integrity. They are important indicators of U.S. commitment to human rights. Any loss of credibility in their reporting and evaluation of human rights practices abroad will inevitably be taken as U.S. wavering in those commitments. That is why, despite the general strength of the reports, we have been particularly attuned to any inaccuracies or omissions that might be construed as reflecting political bias.

In 2002, we learned that the guidelines issued to the drafters of the report included a new instruction which stated, and I quote: "Actions by governments taken at the request of the United States or with the expressed support of the United States should not be included in the report." We were concerned that that new instruction may have been designed to blackout violations committed in the context of joint operations with the United States, particularly

in the context of counterterrorism. We feared it would undermine the objectivity and comprehensiveness of the reports.

Following publication of those reports, in 2003 we issued our own report which examined the impact of the new instruction and assessed the objectivity of the reports, particularly with respect to U.S. allies in the "War on Terrorism." We were told that the instruction not to report on actions taken at the request of or with the support of the United States would be dropped from the guidelines. But there is a blind spot in this year's otherwise strong reports which makes us wonder whether the instruction or its intent continues to skew reporting.

That blind spot is in the reports' treatment of the practice of arbitrary and secret detention and rendition of prisoners to countries where they are likely to face torture. When it comes to those practices, the reports fail to tell the full story.

In Europe, concern over reports of secret detention centers, kidnapping and renditions, by or with the assistance of the United States, has led to inquiries in Germany, Italy, Spain, Switzerland and at least 10 other countries. The reports on those countries should have reflected, at a minimum, instances where official measures have been taken to address these allegations. But the reports, which ordinarily would encompass such allegations under the headings of "Arbitrary Arrest, Detention, Torture, and Disappearance," failed to acknowledge them at all.

I want to be clear. I am not advocating that the country reports become the place where the U.S. reports on its own transgressions. There is another forum for that. And the United States is using that and welcoming our input. But there are credible allegations of European Government involvement in the abduction of people on their territory and the illegal transfer of those people. These allegations were on the front pages of newspapers in Europe for most of last year. Their absence from the reports creates an impression that the U.S. has a blind spot for violations that it may have encouraged or played a role in. If this is not corrected, it risks undermining the well-deserved reputation of the reports as a comprehensive and objective assessment.

One last note. I want to commend the Department for its efforts to make sure that the reports are translated into the principal languages of the countries that are covered. We have argued for a long time that official translations of the reports would be read widely on the Internet and would serve as an antidote to misleading unofficial translations in reporting. Accessibility of the reports in native languages increases their usefulness to local human rights advocates, and I am happy to report that there has been significant progress toward reaching that goal.

Last year the Department required all Embassies to translate the report into the official language of their host country. That was a very welcomed development, although the delay in translating undermined the utility of it in some cases.

This year all U.S. Embassies have been instructed to post official translations of their country reports within 30 days. These should also be posted on the main State Department Web site. It is strongly in the interests of the United States for people around the world to be able to read what the U.S. is saying about the human rights

record of their own governments. We urge that sufficient funding be provided to the Department to be sure that by next year anyone who wants to read the reports in their native language can access an official government translation through its main State Department Web site. We also encourage the Department to track the accessibility of translated reports to ensure that this information is not being blocked by foreign government censors or Web filters.

In conclusion, any critique of the country reports must be tempered by a recognition of the strengths of the process that have developed over the years to produce them and the high quality of most of the information they contain. It is in this spirit that we offer our insights and recommendations, which we hope will contribute to making the reports even more useful tools for the decisionmakers in the future. Thank you.

[The prepared statement of Ms. Massimino follows:]

PREPARED STATEMENT OF MS. ELISA MASSIMINO, WASHINGTON DIRECTOR, HUMAN RIGHTS FIRST

I. INTRODUCTION

Chairman Smith and members of the Committee, thank you for convening this hearing and for the opportunity to share our perspective on the State Department's Country Reports this year. We are extremely grateful to you, Chairman Smith, for your many years of leadership in this area. You and your staff have a seemingly inexhaustible source of energy for pressing abusive governments to respect the inherent dignity and human rights of their people. Human rights advocates around the world enjoy no better ally than you in their struggle to make these rights a reality.

My name is Elisa Massimino. I am the Washington Director of Human Rights First. Since 1978, Human Rights First has worked to protect and promote fundamental human rights, holding all governments—including our own—accountable to the standards contained in the Universal Declaration of Human Rights and related international human rights instruments. Human Rights First's mission is rooted in the premise that the world's security and stability depend on respect for human dignity and the rule of law in every part of the world.

Production of the annual Country Reports is an enormous undertaking. Detailed instructions go out to U.S. diplomats and State Department employees in Washington and around the world outlining the many areas of substantive focus on which comprehensive information must be submitted for inclusion in the Reports, which this year covers 196 countries. I want to commend the hundreds of State Department and foreign service personnel who participated in this effort for their professionalism and diligence in the production of these reports. We have appreciated the degree to which the Country Reports team at the State Department has welcomed our input on the Reports over the years. Likewise, we have been encouraged that the Reports reflect increasing consultations by U.S. embassy staff with local human rights advocates and NGOs. We welcome the opportunity presented by today's hearing to offer our perspective on how the Reports can be strengthened and improved.

II. WHY THE COUNTRY REPORTS ARE IMPORTANT

As you know, the quality and accuracy of the Country Reports have been a focus of attention for Human Rights First since the Department of State was first mandated to present the Reports to Congress 30 years ago. The Reports are intended to assist Congress in the performance of its oversight function of the foreign relations of the United States. In the preparation of the Reports, the aim is to assess the performance of international partners and adversaries alike in accord with a common baseline.

That baseline is human rights. The standards applied are those enshrined in the Universal Declaration of Human Rights and the various treaties and conventions which implement the Declaration, along with broader international standards of human rights, humanitarian, refugee and labor law recognized by the United States and most of the world's governments.

For eighteen years, Human Rights First produced an annual critique of the State Department Reports, beginning with the third annual report in 1978. After pub-

lishing our 1996 report, we made a decision to stop producing the critique. In our judgment, the Reports had become a progressively more thorough and reliable guide to human rights conditions throughout the world and no longer required the kind of detailed analysis we had devoted to them for so many years. We continue to comment yearly on specific shortcomings in the reporting on individual countries, and offer more extensive comments when we believe there is a need for broad or structural improvements. We believe that the Reports require and benefit from critical input by the non-governmental human rights community.

In addition to the importance of the Reports to Congress, governments and rights advocates around the world eagerly await their publication each year. Obviously, no government—including our own—relishes public criticism. And a few governments, including China and Russia, routinely attempt to discredit the Reports as an exercise in imperialism from an imperfect country. But the eagerness with which citizens of those countries await the reports as a tool to aid in their struggle to secure respect for rights from their own governments belies these claims. It also underscores how critical it is that the Reports be as objective and accurate as possible. The value of the Country Reports as a baseline for foreign policy decision-making is directly proportional to their objectivity. Flinching from the truth not only does a disservice to Congress, which relies on the Reports in formulating and overseeing foreign policy and bilateral assistance arrangements, but undermines the usefulness of the Reports to human rights advocates abroad, fueling claims by offending governments that the Reports are politically motivated and should be dismissed.

Ensuring that the Reports actually play a role in guiding U.S. foreign policy has always been a challenge, particularly when the Reports are unflinching in their criticism of U.S. allies. When there is an obvious discrepancy between the message delivered by the Reports and U.S. policy toward governments that have been identified in the Reports as serious human rights violators, it conveys the impression that candor on human rights is the function of one small part of the foreign policy bureaucracy—the Bureau of Democracy, Human Rights and Labor (DRL)—and not necessarily of the Administration as whole. This can damage broader U.S. interests, if the Bureau's voice is seen to be marginalized, and if abusive governments conclude that human rights are a fringe concern of the Administration that is not echoed and reinforced by other, more influential parts of the U.S. Government.

This is a serious policy challenge, and its solution lies well beyond the scope of the Country Reports themselves. But that challenge will be made much greater if the Reports begin to slip back into the pattern of political bias that characterized their early years.

III. COUNTRY-SPECIFIC OBSERVATIONS

A. Russia and China

On two of the most important countries—Russia and China—this year's Reports hit a home run. Both reports are very strong, appropriately so, and constitute an improvement over last year's reporting. Not surprisingly, Russia and China have both publicly denounced their respective Reports, although their arguments appear to be more focused on imperfections in the U.S. record on human rights, rather than disputing the facts about their own significant shortcomings contained in this year's Country Reports.

Last year, we made a number of recommendations for improvement of the reporting on Russia. One of those recommendations was that the Report highlight violations up front, in the overview section. This year's Report does just that. There is also a good deal more included in the Report on violations that occurred in the context of the conflict in Chechnya. The volume and detail of reporting on violations in Chechnya is an important improvement, and there is a greater willingness in the Report to attribute violations directly to government forces. In addition, the Report creates new categories, including "Political Prisoners" within the section on fair trials. Last year we noted that reporting on the cases of some human rights defenders fell short. In particular, we recommended that one defense lawyer, Mikhail Trepashkin, be labeled as a political prisoner. In this year's Report, Trepashkin is included in the new section on Political Prisoners.

The Report on China's human rights record likewise is particularly strong. Labeled in the Introduction to the Reports as one of "the world's most systematic human rights violators," China's deteriorating human rights record, including increasingly violent crackdowns on those seeking redress of grievances, the use of torture and coerced confessions, incommunicado pre-trial and psychiatric detention, and continued persecution of religious believers, is examined in great detail. In years past, the Country Report on China was the target of substantial criticism by NGOs and others for its equivocation and "glass-half-full" approach. For its forth-

rightness, comprehensiveness, and willingness to attribute violations to government actors, this year's Report on China is worthy of emulation in other chapters of the Reports.

B. Colombia

The 2005 Report on Colombia, like that of the previous year, begins with an overview that provides an overly optimistic assessment of human rights progress before presenting a litany of facts from which to conclude otherwise. The overview largely omits discussion of the armed forces from its summary of human rights issues, apart from a reference to "improvements in certain human rights categories related to the government's concentrated military offensive and ongoing demobilization of paramilitary groups. . . ." Human rights violations are ascribed primarily to independent paramilitary forces and to left-wing guerrilla movements—together termed "illegal armed groups."

This overview contrasts with the Report's listing of just some of the atrocities attributed to military forces across the country during the year. Units cited in the Report as implicated in extrajudicial killings in 2005 include the Army's 11th Brigade (San José de Apartadó, Antioquia), 17th Brigade (Choco), Battalion 21 Vargas (Castillo, Meta), Santander Battalion (Aguachica, Cesar), and the Second Division (Cocito Macagua, Arauca). The Army's Mobile Brigade was named as implicated in torture (Cartagena de Chaira, Cauqueta). The direct involvement of regular troops in atrocities, as well as army collusion with paramilitary forces, emerges strongly from the recitation of the facts, but there is little effort in the Report to connect these dots into a fuller picture of the military's continued role in human rights abuses.

Similarly, in an important section under violations of humanitarian law, the Report acknowledges that *members* of the security forces, "including enlisted personnel, non-commissioned officers, and senior officers collaborated with or tolerated the activities of illegal paramilitaries." Evidence was cited that this occurred with impunity and extended to "tacit nonaggression pacts" in certain regions, including eastern Antioquia, Choco, and Meta Departments, indicating that "members of the security forces actively assisted or sought the assistance of paramilitary groups." The military command structure in these regions is not addressed.

The Report also acknowledges that those who investigate or publicize military abuses, including civilian prosecutors and human rights activists, continue to be targeted for murder. One two-line paragraph offers the Colombian Commission of Jurists' statistic that 38 human rights defenders were killed and three "disappeared" during the year, but without reference to credible evidence of military involvement.

In March, the Report notes, a commission to investigate the massacre and dismemberment of eight civilians, including three children, in San Jose Apartado, Antioquia, was ambushed "with mortar shells and machine gun fire." Members of the police escort of the team from the offices of the prosecutor general and human rights ombudsman were killed. Community members had attributed the massacre to the military; the Army said guerrillas were responsible.

The Report's writers excelled in collating reports on incidents but fell flat discerning meaning in what they reported. The analysis, largely limited to the overview, distorts the information provided and disregards the gaping hole in the reporting concerning armed forces doctrine, operations, and chain of command responsibility for ongoing abuses.

The Report's case-by-case follow-up on abuses cited in past reports suggests the armed forces continue to stand firm in blocking measures to hold officers, soldiers, and paramilitary auxiliaries accountable for torture, murder, and "disappearance." But the overview disregards the sum of the Report's parts to present a picture in which the institutional military role is concealed—or misrepresented as the actions of subordinates in violation of state policy.

A summary statement on abuses by the government's regular forces does not distinguish the military from the police: "While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted in violation of state policy." The overview makes no express reference to military involvement in extrajudicial killings, "disappearances," or torture. The military dimension emerges only as fragments in the thicket of incident reports in the body of the Report.

The overview's failure to address military abuses contrasts with the January 2006 report of the U.N. High Commissioner for Human Rights on the situation of human rights in Colombia. That report noted an increase in allegations of extrajudicial executions attributed to members of the security forces, "particularly the army." These incidents were reported especially in the departments of Antioquia, Choco, Norte de Santander, and the Sierra Nevada de Santa Marta region, with authorities representing most of the reported executions as "deaths of guerrillas in combat."

The U.N. report adds further that the combination of the reported acts, official denials, and the absence of sanctions can be read as potential evidence of the responsibility of higher authorities. This argument for command responsibility was buttressed, according to the report, by the findings of investigations by public prosecutors into similar cases the previous year.

C. Egypt

In general, the Egypt Report is comprehensive and balanced. There is particularly strong coverage of the limitations of the presidential election and the intimidation of the non-violent political opposition through use of violence against peaceful demonstrations.

In light of the Report's emphasis on the inadequacies of the elections, however, it is puzzling that the Report fails to criticize the detention, prosecution and conviction of opposition political leader Ayman Nour. It reports on the charges against him of forging proxy signatures on his party's registration papers, without comment, although many independent observers have doubted the validity of these charges, and ascribes allegations that Nour was beaten at the time of his arrest to named Egyptian human rights organizations, rather than condemning these apparent violations in its own voice. This contrasts with a strong statement issued from the White House press office on December 24, 2005: "The United States is deeply troubled by the conviction today of Egyptian politician Ayman Nour by an Egyptian court. The conviction of Mr. Nour, the runner-up in Egypt's 2005 presidential elections, calls into question Egypt's commitment to democracy, freedom, and the rule of law."

It is odd that this critical tone, repeated in comments by Secretary Rice and others, is not apparent in the Reports' description of the case.

This year's Report omitted an important observation, contained in last year's Report, with respect to the impact of trying civilians before military courts: "In 1993, the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. The 1993 ruling in effect removed hundreds of civilian defendants from the normal process of trial by a civilian judge." This omission is consistent with a pattern of minimizing direct criticism of the use of military courts to try civilians that has developed since the United States declared its intention to try suspected terrorists before military tribunals.

D. Indonesia

The Report is a fairly complete listing of events from 2005. As in years past, however, there is a failure to evaluate these events in the voice of the Report, or sometimes even to cite widely available criticism from credible sources. For example, there is a detailed accounting of all the acquittals from the East Timor trials in Jakarta, but no mention of the fundamental weaknesses of the process or a citation of critics such as the U.N. Commission of Experts that found it "manifestly inadequate."

While the discussion of police abuses is fairly extensive, there is no mention in this context of Detachment 88, a police anti-terrorism unit created and operated with extensive U.S. support. One respected Indonesian NGO reported this year on numerous cases of arbitrary detention and torture by this unit. The Report mentions one of the more prominent cases of abuse, but does not identify Detachment 88 as the perpetrator.

While the Report does note military responsibility for killings, rapes, and other abuses, there are several major cases (such as student killings from 1998 and 1999) where the military is not mentioned as the suspected perpetrator. This seems especially significant in light of the decision last year by the United States to lift restrictions on U.S. military cooperation with the Indonesian military.

Description of the radical Muslim group Front Perjuangan Islam/Islamic Defenders Front never mentions that the group is widely believed to have links to police and military. One Human Rights First researcher recently witnessed members of this group being transported on army helicopters in Aceh.

IV. BLIND SPOTS

The Country Reports are the flagship publications of the DRL and have earned worldwide respect for their integrity. They have come to be important indicators of the United States' commitment to human rights standards at a time when slippage in human rights observance will have global consequences. Any loss of credibility in its reporting and evaluation of human rights practices abroad will inevitably be taken as a wavering in those commitments.

This is why, despite the general strength of the Reports, we have been particularly attuned to any inaccuracies or omissions that could be construed as reflecting political bias. Over the last several years, we have focused on whether the Reports

tend to mute criticism of abuses by foreign governments, particularly where the United States has argued that—or acted as if—it is not bound by the human rights norms prohibiting such abuses. As the United States has become increasingly identified with selective observation of international human rights treaties to which it is bound—a pattern that has resulted in serious abuses of human rights—other governments have been emboldened to do the same, and to do so more brazenly. A growing number of governments co-opt the U.S. war on terrorism, citing support for U.S. counterterrorism policies as a basis for internal repression of domestic opponents and violations of human rights. In some instances, U.S. actions have encouraged other countries to disregard domestic and international law when such protections stand in the way of counterterrorism efforts.

Few dispute that such policies have damaged the moral authority of the United States to press other governments to respect the human rights of their own people. And that is bad news for the cause of human rights. Victims of human rights abuses in many corners of the world have long looked to the United States as an ally in their struggle against oppression. When the United States is hobbled by charges of hypocrisy, it cannot lead.

A. Past Instruction to Omit Certain Abuses

In 2002, Human Rights First learned that the 92-page guidelines issued to drafters of the Reports included a new instruction that risked introducing political factors into the human rights criteria that form the framework for Report writers. The new instruction stated: “Actions by governments taken at the request of the United States or with the expressed support of the United States should not be included in the report.”

We were concerned that this new instruction may have been designed to blackout violations committed in the context of joint counterterrorism operations with the United States. We feared it would undermine the objectivity and comprehensiveness of the Reports. Following publication of the Reports in 2003, we issued a report which examined the impact of the new instruction, and assessed the objectivity of the Reports, particularly with respect to U.S. allies in the “war on terrorism.”

Our findings were mixed. There were clear examples of places where the Reports flinched from reporting on abuses in countries in which the United States is deeply involved in military and security operations. And there seemed to be a subtle new bias coloring some of the Reports against frank reporting on measures taken to combat terrorism that have had repercussions for human rights. But the title of our report, *Holding the Line*, reflected our judgment that, on the whole, the Reports that year generally maintained the high standards of accuracy and truthfulness in coverage of the majority of countries and subject areas, despite some notable exceptions.

Following publication of the Reports in 2003, we welcomed the assurance by DRL that the instruction not to report on actions taken at the request of or with the support of the United States would not be included in the 2003 guidelines. We have not seen the guidelines issued since that time, despite our repeated requests to see them. We urge this Committee to ask to review these instructions with a view toward ensuring that no such instruction has crept back into the guidelines. A substantial blind spot in this year’s otherwise strong Reports raises questions about whether the instruction to ignore actions encouraged or directed by the United States continues to skew reporting.

B. Secret Detention, Abduction, and “Rendition”

The accurate and largely comprehensive coverage of the Reports this year falls short in one major respect: its coverage of what the 2002 guidelines described as actions taken at the request or with the expressed support of the United States, a guideline that was reportedly dropped in 2003.

Nowhere is that trend more evident than in the Reports’ treatment of the practice of arbitrary and secret detentions, and of “rendering” individuals to countries where they are likely to face torture. When it comes to such practices pursued by other countries at the request or with the expressed support of the United States, the Reports fail to tell the full story. Today, there are credible reports, involving more than a dozen European countries, that U.S. government agents carried out abductions and secret detentions there, and used European airports for secret and illegal transfers of detainees to third countries where they were at risk of torture. At the same time, countries that the United States has long identified as routinely engaging in torture have become destination sites for prisoners transferred from U.S. custody (or with U.S. involvement) for detention.

Our initial review of the Reports reveals a number of omissions regarding secret detentions and renditions. The danger of such omissions for U.S. policy is clear. Not

only does the United States through its own actions undermine the vitality of the human rights rules it seeks to advance elsewhere, but it creates an internationally known double standard that angers enemies and allies alike, and compromises U.S. efforts to secure cooperation on its most important policy goals—including the protection of U.S. national security.

In Europe, concern over reports of secret detention centers, abductions, and illegal transfers of detainees by or with the assistance of the United States to sites in which the individual was in danger of torture have led to judicial inquiries in Germany, Italy, Spain, and Switzerland, and official inquiries in at least 10 other countries. An investigation by the Council of Europe focused on allegations of secret detention sites in Europe and complicity of European states in abductions and “renditions”—the secret and illegal transfers of prisoners to third countries where they are likely to face torture. In addition to information from nongovernmental organizations, this investigation cited a widely publicized fax from Egyptian diplomats, intercepted by the Swiss intelligence services, which confirmed that secret detention centers existed in Romania, Bulgaria, Macedonia, Kosovo, and Ukraine.

In light of this extensive record, the Reports on these countries should have reflected, at a minimum, instances in which official measures have been taken to address the claims. They should also have noted other instances in which credible documentation exists for secret detention facilities—in Europe, Southeast Asia, and the Middle East—run by or at the behest of the United States. But the Reports, which ordinarily would encompass such allegations under the headings of arbitrary arrest and detention, torture, “disappearance” and refugee protection, failed to acknowledge them at all.

For example:

- The uproar in Italy over the kidnapping and smuggling out of the country of foreign citizens, destined for countries where torture could be expected, was omitted. Criminal proceedings were brought against the U.S. agents alleged responsible after the violent kidnapping of Egyptian citizen Hassam Osama Mustafa Nasr, known as Abu Omar, in a Milan street in February 2003. The detainee was taken from a military airbase in Italy, to Ramstein Airbase in Germany, and then to Egypt, where he was reportedly tortured, released, and then rearrested. The chapter on Italy makes no mention of this.
- In Germany, the gap in reporting concerns both secret transfers of prisoners to U.S. detention centers and to the custody of governments that routinely practice torture, and evidence that German government personnel may have been involved—violating Germany’s obligations under the Convention Against Torture as well as its laws against secret detentions and expulsions. A judicial inquiry into the case of a German citizen of Lebanese origin, Khaled Al-Masri, who was seized in Macedonia, transferred to U.S. facilities in Afghanistan, and subsequently released, is examining claims that German intelligence agents were complicit in his interrogation under torture.
- In Norway, official inquiries were reported into the landing in Oslo on July 20 of an aircraft alleged to have been used by U.S. authorities to transport detainees to unknown destinations. But no mention was made of it in the Norway chapter of the Reports.
- In Poland and Romania, national debates and inquiries emerged in 2005 into reports of secret detention and interrogation centers there, and claims that both countries had served as transfer points for prisoners en route to detention centers where they faced torture and indefinite detention. This too was left out, despite its prominence in the national and international media. Official inquiries were initiated in both countries.
- In Spain, a Spanish judge will investigate whether the Son Sant Joan airport in Majorca was used by the United States as a base to transport secret detainees. The measure was announced by Interior Minister José Antonio Alonso on November 15. The Council of Europe investigation has noted that the same aircraft that transported Abu Omar after his abduction in Italy “landed at least three times in Spain (and in other European countries).”
- In Sweden, the government has requested that civil aviation authorities follow up press reports that aircraft suspected in the international transfer of prisoners had landed at Swedish airports in the last three years.
- In Switzerland, following parliamentary inquiries, authorities are reportedly investigating charges that U.S. aircraft used for secret prisoner transfers had violated Swiss sovereignty and international law, landing in Geneva in 2003–2004.

- In the United Kingdom, an all-party parliamentary group on “extraordinary renditions” was formed in December to seek information, concerned that the United Kingdom “might be condoning torture.” Civil liberties groups called for inquiries into reports that ten specific airports had been used for prisoner transfers.

These developments were on the front pages of newspapers in Europe for much of last year. But they are completely absent from the Reports on these countries. This creates the impression that the United States has a blind spot for violations that it may have encouraged or in which it may have played an active role. In an interesting contrast, one case of apparent “rendition,” in which the United States was *not* alleged to be involved, does appear in the reports. In the chapter on Egypt, under the heading “disappearances,” the Report notes that Retired Brigadier Ahmed Salem Ebeid, a Yemeni government cabinet minister, who had “disappeared from his Cairo residence in February 2004,” had reportedly been confirmed “to be residing in Yemen under house arrest, forbidden by the Yemeni government to have contact with the media.”

V. TRANSLATION OF THE REPORTS

One important advance in recent years has been that the Reports are increasingly being translated into the principle languages of the countries covered. We have long argued that, if made easily available, official translations of the Reports would be widely read on the Internet, and would serve as an antidote to misleading unofficial translations and reporting. Accessibility of the reports in native languages will also increase their usefulness to local human rights NGOs in pressing their own governments to improve their human rights records.

There has been significant progress made towards this goal. Last year, the Department of State required all embassies to translate their country’s Report into the official language of the host country. This was a welcome development, although the utility of the effort was somewhat blunted by what in some instances was a significant delay of time in getting translations completed. This year, all U.S. Embassies have been instructed to post official translations of their Country Reports within 30 days of publication of the English version. It appears, however, that only a selection of translations of country entries are published on the main Department of State website. This omission should be remedied. It is strongly in the interests of the United States for people around the world to be able to read what the U.S. Government is saying about the human rights record of their own governments. We urge that sufficient funding be provided to the Department to ensure that by next year, anyone who wants to read the Reports in their native language can access an official U.S. Government translation through the main State Department website. We also would encourage the Department to track the accessibility of the translated Reports to ensure that this information is not being blocked by government censors or web filters.

CONCLUSION AND RECOMMENDATIONS

Any critique of the Country Reports must be tempered by a recognition of the strengths of the process that has developed over the years to produce these annual reports, and the high quality of most of the information compiled and reported therein. It is in this spirit that we offer our insights and recommendations, which we hope will contribute to making the Reports more useful tools for decision makers in the future. We recommend that:

- This Committee should review the guidelines for drafting the Country Reports before they are distributed to drafters, in order to ensure that they encourage complete and objective reporting and do not encourage omissions;
- Guidelines for the Country Reports on human rights practices should require an assessment of the human rights implications of states of emergency and emergency legislation;
- Guidelines should expressly require coverage of human rights violations occurring in the context of counterterrorism measures or in the name of the global war on terrorism;
- Guidelines should require reporting of new legislative or executive measures that suspend particular human rights;
- Guidelines for reporting on killings in conflict by state agents should require this to include coverage of the actions of civilian militias or paramilitary forces that are supported or acquiesced in by any level of government;

- Guidelines should require coverage of deliberate attacks on civilians by non-state actors, including groups identified by the Department of State and/or the U.N. Security Council as terrorist organizations;
- Guidelines for reporting on forcible disappearances should be revised so that such acts by state agents are not conflated with common kidnappings and the disappeared are not described simply as people who are missing or unaccounted for;
- Guidelines should require improved coverage of the human rights consequences of immigration control measures;
- Review the use of the passive voice in some country reporting as a factor that may insulate governments from responsibility for the actions of official forces;
- Congress should provide sufficient funds to permit the DRL to provide translations of the Country Reports and require that these translations be made easily available on both Department of State and relevant Embassy websites.

Thank you.

Mr. SMITH. Thank you so very much for your testimony and for your very wise counsel not just today, but over the many years.

Ms. Shea.

**STATEMENT OF MS. NINA SHEA, DIRECTOR, CENTER FOR
RELIGIOUS FREEDOM, FREEDOM HOUSE**

Ms. SHEA. Thank you, Mr. Chairman, and I am grateful for this opportunity to testify. And I want to express Freedom House's deep appreciation for these important hearings and for your dedication in providing the oversight that will help ensure that human rights concerns remain a force in U.S. foreign policy.

And though I am critical of the reports in my testimony, I want to say that they are a monumental effort, and they and the hearings today, as an exercise, powerfully communicates to governments throughout the world that the American people are not indifferent to acts of genocide, torture, unjust imprisonment, and religious persecution and other violations.

I have been asked to speak about religious persecution, and I have addressed in my written testimony concerns about China, Cuba, Egypt, India, Iraq, North Korea, Pakistan, Russia, Saudi Arabia, Sri Lanka, Sudan and Vietnam. I will abbreviate them here.

Starting with Iraq, religious strife has been defined in recent months by the very visible escalation between the Shiite and Sunni populations. The icon for this is the bombing in February of the golden-domed Shiite shrine in Samarra and then subsequent retaliatory attacks against a number of Sunni mosques. Less noted has been the mounting persecution against the Christian, Sabean Mandeian and Yizidi religious minorities, along with the Shabaks and Turkomen. Christians, constituting the overwhelming majority of these groups, are represented chiefly by the Aramaic-speaking ChaldoAssyrians and a smaller number of Armenians.

About a million of these minorities remain in Iraq, and their numbers are rapidly dwindling. Reportedly hundreds of thousands of Christians have fled the country over the last 2 years since the first of a dozen churches were bombed and attacked. Since then other Christian property has been destroyed or confiscated, and many Christian people have been targeted because of their faith for death, kidnapping for ransom or both.

In fact, the UNHCR found, while acknowledging the general insecurity of the country, that “members of the Christian minority nevertheless appear to be particularly targeted.” We very well could be witnessing the extinction of the ancient Christian community in Iraq as their numbers threaten to shrink to statistical insignificance.

Though the report does not gloss over the many incidents against them and the other smaller religious minorities—these incidents are recounted in the report, many of them are—their overall devastating significance for these communities is not noted, and it is not commented upon.

An Iraqi Muslim acquaintance recently visited my office encouraging us to speak out about the plight of the small minorities in Iraq, and he told me that they are perceived to be weak because they don’t have their own militias and are few in numbers and are easy targets for brutalization by extremists of all groups, Sunni Arabs, Shiites and Kurds. In his view, the U.S. has abandoned them. By this he meant the U.S. Government should be more effectively using its diplomatic and economic leverage to protect them, all the very small minorities, and should ascertain that a fair share of United States aid goes to develop their areas so they can find a modicum of security within Iraq.

There are many examples, as I said, in the reports of attacks on these minorities and on the Christians. There are further examples given by the Assyrian Star, the paper of the Assyrian American National Federation. I won’t go into them here. One example is a 20-year old Assyrian girl who was bludgeoned to death because she was wearing Western-style clothes. There are a number of examples provided, both in the reports and in other documentation.

Even in the Kurdish areas, particularly the KDP-controlled parts, these minorities have been picked on. Millions of dollars of ChaldoAssyrian Christian property has been confiscated, and the Iraq Sustainable Democracy Project has documented some of the names of these towns and has pointed out that in one town, which is Bakhdeda, home to to 30,000 ChaldoAssyrian Christians, the houses have collapsed, and the children are playing in sewer water, and yet the churches are in mint condition, reportedly the result of a cynical allocation of reconstruction funds by Kurdish officials. So the KDP-controlled areas of northern Iraq could soon see parishes without parishioners.

I would like to turn to China briefly. It is 64 pages long. It is hard to think about what more to say, but I do want to point out that the China Aid Association has pointed out 1,317 arrests of house church pastors in 2005. Pastor Cai is among them. He is sentenced to 3 years for distributing Bibles along with his wife and a couple of associates.

The Cardinal Kung Foundation has documented 45 Catholic bishops, most very elderly, in their 70s or 80s, in detention or disappeared under house arrest, under strict surveillance. You know personally Bishop Su and Bishop An of Baoding, who are still missing after being taken into custody.

There is also an incident concerning Falun Gong. It is actually an account that has yet to be verified or fully investigated, but it is so serious that I feel it is worth mentioning here. According to

a Chinese journalist who recently escaped to the United States, a concentration camp in the city of Shenyang has been specially constructed to hold 6,000 Falun Gong practitioners from northeast China. The camp is said to have a large staff of doctors whose job is to conduct experiments on the prisoners and kill them efficiently in order for the government to sell their organs harvested from the Falun Gong prisoners. We don't know if it is true. It must be taken seriously, especially in light of Harry Wu's past reports of organ harvesting from executed prisoners in China.

Saudi Arabia, in my view, is perhaps the weakest human rights report in this year's compendium. It provides detailed, point-by-point discussions of Saudi Arabia's human rights record, but misses the big picture of the kingdom's fanatically bigoted ideology, often called Wahhabism after its founder.

The report makes frequent generic references to Saudi's application of sharia, or Islamic law, but makes no mention of the state's overarching Wahhabi or Salaafi ideology. This would be comparable to describing the Soviet Union as a secular government without mentioning communism.

It is this ideology that results in the government's rejection in principle as well as practice of religious freedom, equality under the law, and individual rights.

Last year the Center for Religious Freedom, which I direct, published a study based on original research analyzing Saudi propaganda tracts collected in the United States. The various Saudi publications gathered state that it is a religious obligation for Muslims to hate Christians and Jews and warn against imitating, befriending or helping such infidels in any way. They instill contempt for America because the United States is ruled by legislated civil law rather than by totalitarian Wahhabi-style Islamic law. And they treat the forged protocols of the Elders of Zion as historical fact and preach a Nazi-like hatred for Jews.

In these documents other Muslims, especially those who advocate tolerance or some other interpretation of Islam, like the Shiites or Suffis, are condemned as infidels. One moderate Muslim in one of the collections was explicitly condemned as an infidel, which is a veiled death threat. It is a crime punished by death in Saudi Arabia, of course, and also an invitation to vigilante violence.

Another major flaw in this report regarding Saudi Arabia has been noted by the U.S. Commission on Religious Freedom. The commission maintained that there is an inordinate emphasis on optimistic statements by Saudi leaders, statements yet to be followed by action. In some cases the report even appears to justify serious abuses perpetrated by the Saudi Government. An example that the commission gives is concerning torture. The report states that "lashes were generally administrated with a thin reed by a man who must hold a book under his arm to prevent him from lifting the arm too high. The strokes, delivered through a thin shirt, are not supposed to leave permanent damage, but to leave painful welts that bleed and bruise." The commission concludes this gives the impression that this particular act of torture employed by the Saudi Government is administrated in a humane and thus permissible manner.

Regarding Sudan, already much has been said about Darfur. And, Mr. Payne, I will say that Assistant National Security Adviser Frazer this morning affirmed that Darfur, in the government's opinion, is genocide—continuing genocide. And I would like to just point out that another situation in southern Sudan along the Ugandan border is the Lord's Resistance Army, does not receive the attention that that really warrants. There are comparable figures to Darfur concerning the atrocities of Joseph Kony and the Lord's Resistance Army.

There are estimated to be 200,000 people killed, 2 million driven out of their homes and displaced. William Levi, who has a humanitarian project in the southern Sudan, has just told me today that 50 of his aid workers along the Ugandan border have been killed in the past year by the Lord's Resistance Army. And, of course, they have kidnapped 38,000, as the reports relayed, children, who are turned into pack animals, sex slaves and militants. The United States really needs to do more to highlight this situation, to talk about it, and to stop it.

Vietnam is another country that the reports have a good treatment of, but there has been adoption of the final portion of the new religious legislation in effect now for a year that was touted by Hanoi as protection for religious freedom, and this has not turned out to be the case. The Unified Buddhist Church is still suppressed, and their 12 provincial offices are outlawed, and their people who work at them have been continuously harassed.

Patriarch Thich Huyen Quang and his deputy Thich Quang Do are still confined as prisoners in their monasteries. These men are elderly as well, and essentially in detention for 30 years for their peaceful advocacy for religious freedom and human rights. The Montagnards are still being forced to join state-sponsored churches. Hundreds of them, 300 of them, have been in prison or in detention since 2001. And then, of course, there is the Hmong minority in the northwest provinces, and they are still being harassed and repressed for their Christian faith. And Pastor Ma is still in prison as well as other Protestant leaders there.

I will conclude with that. Thank you.

[The prepared statement of Ms. Shea follows:]

PREPARED STATEMENT OF MS. NINA SHEA, DIRECTOR, CENTER FOR RELIGIOUS
FREEDOM, FREEDOM HOUSE

INTRODUCTION

Thank you, Mr. Chairman. I am grateful for this opportunity to testify at today's hearings on the State Department's *Country Reports on Human Rights Practices for 2005*. I will be speaking on behalf of Freedom House's Center for Religious Freedom. While Freedom House analyzes a broad range of political rights and civil liberties, I have been asked by this Committee to specifically address the situation concerning religious freedom. My testimony will comment upon the reports on China, Cuba, Egypt, India, Iraq, North Korea, Pakistan, Russia, Saudi Arabia, Sri Lanka, Sudan, and Vietnam.

First of all, I wish to express our deep appreciation for these important hearings, and for your dedication to providing the oversight to help ensure that human rights concerns remain a force in U.S. foreign policy. These hearings also powerfully communicate to governments throughout the world that the American people are not indifferent to acts of genocide, torture, unjust imprisonment and other human rights violations, wherever they may occur.

Religious freedom is pivotal to a free society. Freedom of thought, conscience and religion is the prerequisite for the exercise of all other basic human rights. In theory

and practice, free expression, freedom of press and freedom of association depend on the prior guarantee of a free conscience. As this year's *Country Reports* amply demonstrates, where religious freedom is denied, so too are other basic human rights.

Religious freedom has two dimensions. It belongs to individuals and also to religious groups. In recent decades, the institutional dimension of religious freedom has proved critical in opening up social space and offering essential political protection for reformers in repressive societies as diverse as Poland, Chile, the Philippines and South Africa. Today, we see a new generation of dissidents claiming their individual rights—including courageous Iranian and Saudi reformers who are being imprisoned and silenced for crimes of “blasphemy” when they dissent from their governments’ policies.

The State Department *Country Reports on Human Rights Practices for 2005* is an extensive and detailed compendium, numbering hundreds of pages in length. But its real weight derives from the fact that it is the official record on the status of worldwide human rights by the United States government. It will be read and relied upon for a range of reasons by various government offices, and also by those in the private sector, including the media, investors, businesses, civic society organizations, teachers, as well as ordinary individuals. It will also be read closely by foreign governments. This year’s report reflects a monumental effort on the part of the Bureau on Democracy, Human Rights and Labor. They and all the American Foreign Service officers throughout the world who contributed to it deserve to be commended. We will make critical comments about the Reports, but this should not obscure the fact that this publication has become indispensable to the field of human rights.

CHINA

The State Department Report on China is extensive and covers many of the severe human rights abuses that the government systematically commits against various religious groups: Tibetan Buddhists, Uighur Muslims, house-church Christians, unregistered Roman Catholics and Falun Gong practitioners. The Chinese Government views religion as a threat to its power. Accordingly, it restricts religious activities to government-sanctioned organizations and registered places of worship. It seeks to stamp out those religious activities that are not government-sanctioned. Religious groups that defy the control of the government face severe consequences, including mass denunciation campaigns, surprise raids, heavy fines, imprisonment, and torture. Those who are registered and sanctioned by the government also experience surveillance, censorship and other restrictions.

The new regulation on religious affairs, which took effect on March 1, 2005, has proved to be a tool for further restriction and persecution against unregistered religious believers and institutions.

The persecution against Protestant house churches in China intensified in 2005. According to reliable reports from the China Aid Association, from February to December 2005, 1,317 cases of arrest of house church pastors, leaders and believers have been confirmed in over twenty provinces. Seventeen foreign missionaries, including eleven Americans, in some ten different provinces, were arrested in the past year. Most of those arrested were released after interrogation that lasted from 24 hours to several months. The China Aid Association documented reports of torture, including drugging, by taking the testimony of the victims themselves; such torture was reportedly carried out by both Chinese Public Security officers and State Security agents.

Some foreigner religious believers were ordered to leave the country after being held for several hours of interrogation. On August 2, 2005, two American theological students were treated brutally and handcuffed after they were arrested at a Bible training site in Zaoyang city, Hubei province. Both of them were denied their right to contact the U.S. Embassy as part of international consulate protection procedures guaranteed in U.S.-China bilateral treaties.

A campaign to prevent “foreign infiltration” continued during the year. On July 7, Protestant Pastor Cai Zhuohua, his wife, and two other relatives were convicted of operating an illegal business stemming from their large-scale publishing of Bibles and Christian literature without government approval. Cai and two family members were sentenced to three years, two years, and 18 months in prison, respectively, while a fourth defendant was released after the trial for time served, as noted in the State Department report.

According to secret documents obtained by the Christian Aid Association from the City of Datong, Shanxi Province, and the City of Shayang, Hubei Province, details were provided of China’s systematic program of discrimination against religious “cults.” Prepared by the Offices of the Leadership Group to Prevent and Handle

Cultic Activities of the Chinese Communist Party (610 Office), these documents were found in a brief report, dated January 23, 2005 (Datong City), and January 28, 2005 (Shayang City).

They define religious cults in terms so vague, they pave the way for further abuse of religious believers by the Government. The Office of Leadership Group's documents define a religious cult in three ways. First, God is a performer of "miracles"; second, such organizations are similar to clandestine organizations like gangs and mafia societies; third, cults propagate evil teachings which are anti-science, anti-civilization, and anti-society.

These documents outline training session instructions for grassroots cadres regarding "policies on preventing and handling cults which operate in the name of religion." Included in the anti-cult study materials are several quotes by socialist thinkers, like Frederick Engels who remarked that those "seeking spiritual comfort . . . are naturally slaves."

Once supported by the government, since October 1999, Falun Gong has been officially banned as a "heretical cult." These documents make specific reference to the Falun Gong, describing it as an example of a "cult" waiting to "unite with other hostile forces, such as the democratic movement and Taiwan independence movement." The Shayang county document indicates that the Chinese government has purposefully engaged in a targeted campaign against other unregistered religious groups in addition to Falun Gong. The document specifically instructs local news agencies to avoid publicity about crackdowns on groups other than Falun Gong: "While anti-cult training and lectures are conducted, names of other evil cults, except 'Falun Gong,' shall not be publicized in any propaganda material, media, or websites by any news agencies," it states.

Though still being investigated and yet to be verified, a report has surfaced that is so grave it warrants mentioning here: According to a Chinese journalist who recently escaped to the United States, a concentration camp, Sujiatun, in the city of Shenyang, has been specially constructed to hold some 6,000 Falun Gong practitioners from northeast China. The camp is said to have a large staff of doctors, whose job there is to conduct experiments on the prisoners and kill them efficiently. It is said to include a crematorium to dispose of the evidence. The journalist, working with a network of informants, states that the Chinese government uses the prison to conduct a business in selling organs harvested from those who are killed inside. In light of Harry Wu's past reports on organ harvesting from executed prisoners in China, this story must be taken seriously and investigated.

The State Department report, while providing detailed coverage of human rights abuses within China, neglects to mention the abuses orchestrated by Beijing against believers outside China, including some that have taking place right here on American shores. A recent example was the beating and robbery of Peter Yuan Li at his home in Atlanta on February 8. Dr. Li, a Princeton graduate and an American citizen, is the Chief Technical Officer of The Epoch Times newspaper and a Falun Gong practitioner. The four intruders took only information assets, including computers and paper files, and left valuables jewelry and other valuables untouched. This incident was reported by Forbes magazine, the Atlanta Journal-Constitution, and Reporters Without Borders, and is currently under investigation by the FBI.

Catholics loyal to the teaching of the Vatican are also persecuted. The Cardinal Kung Foundation estimates that there are approximately 45 underground bishops in China, all of whom were appointed by the Pope, who have either been arrested and are now in jail, or are under house arrest, under strict police surveillance, in hiding, on the run, or have simply disappeared.

Bishop Gao Kexian of Yantai, Shandong, was arrested in October 1999. His whereabouts were unknown until he died in jail in January 2005. The cause of death is unknown.

The Cardinal Kung Foundation has documented that eight bishops were last seen in government custody. They are: Bishops AN Shuxin of Baoding, Hebei, HAN Dingxiang of Yong Nian, Hebei, JIA Zhiguo of Zhengding, Hebei LIN xili of Wenzhou, Zhejiang, SHI Enxiang of Yixian, Hebei, SU Zhimin of Baoding, Hebei, YAO Liang of Xiwanzi, Hebei, and ZHAO Zhendong of Xuanhua, Hebei. These bishops are all in their 70's or 80's. Three of them have disappeared. (AN, HAN, and SU). Out of these three, two (AN and SU) have been disappeared for over eight years and one (HAN) was disappeared only several months ago after being detained approximately five years. It is not known whether they are dead or alive. One (JIA) of these eight bishops has been arrested at least eight times since January 2004, most recently on November 8, 2005.

Another, Bishop, HAN Qian of Siping, Jilin, has had an arrest warrant issued against him for many years and is in hiding.

Priests, seminarians, nuns and laypersons face similar harassment. Becoming an ordained priest and carrying out evangelization without state permission is a crime punishable by three years of labor camp. The Cardinal Kung Foundation reports that there are approximately 25 of them in jail or in labor camps at this time. Many cases are not reported and fact-finding is extremely difficult because of government secrecy.

Religious persecution in China is long-standing and it continues to worsen at a time when China is making significant economic progress, after it has become a member of the World Trade Organization, and after being selected for the prestige of hosting the Olympic Games. China will never be fully accepted by the rest of the developed world until it respects its citizens' fundamental right to religious freedom.

CUBA

The section of the Cuba report that focuses on religious freedom is well-documented and touches upon all relevant issues pertaining to religious freedom violations and restrictions in Cuba. Based on the experience and insights of Freedom House's Cuba Project, I wish to add a few comments:

The Catholic Church, which has pressed for greater political liberalization inside Cuba, may be seeking a thaw in relations under Pope Benedict. Fidel Castro met recently with the new Pope's envoy, Cardinal Renato Martino. This meeting was publicly portrayed as a normal diplomatic visit during the course of Martino's tour throughout the Caribbean and Central America. Human rights activists have observed, however, that the regime is striving for warmer relations with the Vatican, possibly to marginalize or quiet local Church proponents of greater freedom. Castro extended an invitation to the Pope to visit Cuba during the meeting with Martino. How the relationship develops between the new Pope and Castro bears watching in light of the activism of those within the Cuban Catholic Church and the challenges presented to Castro by Pope John Paul II during his visit to the island and in subsequent years.

The regime maintains tight controls over religious organizations. Its Office of Religious Affairs, which acts under the orders of the Communist Party and the State, continues to regulate the work of all religious institutions in Cuba, particularly in their social work and activity. The regime also flagrantly uses the issuance of building permits for new churches and houses of worship as a discriminatory tool to favor those evangelical denominations that are friendly to the regime, and to hinder the pastoral work of other Protestant and Catholic churches. A recent example of the arbitrary restrictions on religious activity occurred on March 10th when it was reported that eleven Protestant pastors from Havana were detained allegedly for "political reasons." There has been no further information given on these cases.

EGYPT

The Egypt report gives an overview of the problems faced by Coptic Christians in building or repairing churches, and correctly says that further detail and information is given in the State Department religious freedom report, but it remains weak on other problems faced by Copts.

It states there were "reports of forced conversions of Coptic women and girls to Islam by Muslim men" but that "reports of such cases are disputed." Reports of such cases are difficult to investigate, are usually disputed and some, no doubt, are false. However, there continue to credible reports of kidnapping and forced conversion. On March 23, 2004, Coptic Pope Shenouda III publicly condemned the kidnapping and forced conversion of Christian girls, particularly highlighting their abduction from supermarkets. It is very unusual for the Pope to speak out publicly on this type of issue (he has previously been under house arrest for remarks critical of the government) so this may indicate that it is escalating.

The report sometimes also uses excessively mild language. For example, it says that there are "occasional reports that police harass Christians who had converted from Islam." "Harassment" is much too weak a word here to describe the fact that such converts have been arrested, imprisoned, interrogated and tortured, and that in November 2003, one such convert died in police custody. Converts also fear attack and even murder by Muslim radicals. The weakness of this language is also shown in the treatment of two converts during the period covered by the report, incidents that the report does not mention.

For example, in early 2005, Gaseer Mohamed Mahmoud, who converted to Christianity from Islam in 2003, was tortured by police, including pulling out his toenails, and, on January 10, 2005, with the assistance of state security police, was forcibly confined to Cairo's El-Khanka mental hospital after his adoptive parents discovered his conversion. He was kept in solitary confinement, kept in a water-filled room, re-

fused visits from Christians, beaten, whipped, and was told that he would be kept until he renounced his new faith. After international publicity he was released June 9, but stayed in hiding.

On April 6, 2005, Baha al-Aqqad, a recent convert to Christianity from Islam, was arrested on the grounds that he had 'defamed Islam' and held in Doqqi prison. After 45 days he was transferred to Tora prison in Cairo, typically a prison for political prisoners.

While addressing government censorship, the report fails to emphasize that greater pressure often falls on writers because of the activity of extremists. For example, on July 13, 2005, a well known Muslim Egyptian writer, Sayyid al-Qimni, received a message from extremists that unless he renounced his views he would be killed. On July 16, he announced that he was recanting his past work and would forgo future writing assignments. Because of his more liberal Islamic views and his criticism of Islamic theology, he has been called an 'apostate' (one who has forsaken Islam) by those of more conservative views. In his statement, he referred to the fate of a previous Egyptian writer in a similar situation, Farag Fouda, who was shot and killed in 1992, and believed that the same future would await him unless he renounced his beliefs.

The report correctly describes the major problems faced by the Baha'i community, problems that appear to be escalating since the government began automating its identification system. Baha'i institutions and community activities are banned, and a 1961 Presidential decree stripped Baha'is of legal recognition. Egypt recognizes only Islam, Christianity and Judaism as religions, and an individual's identity papers and other critical legal documents must carry one of these designations. Hence Baha'is are denied ID cards, birth certificates, and marriage licenses, and find it increasingly difficult to register their children in school, to open bank accounts, and to register businesses. Since one can be arrested for not carrying an ID card, many Baha'is are in effect placed under house arrest.

Finally, reports that we received from Egypt indicate that Copts have felt under increasing religious pressure. Since the State Department Report was compiled, this tension has exploded. On January 17, 2006, in the village of Edyssat near Luxor, after a rumor that Copts were about to repair their local church, a mob attacked local Christian homes and attacked and set fire to the church building. At least nine Copts were hospitalized and one died of his injuries. On February 20, 2006, in the village of Azba Wasef, in Giza Province, south of Cairo, following allegations that a banquet hall that Christians were building was in fact a church, a mob attempted to set fire to the hall and the church, and did set fire to at least four Christian homes. Eleven people were injured and several dozen arrested.

INDIA

The Country report is quite comprehensive in covering the challenges facing India as it develops as a nation. A few of these are worth highlighting:

Though a democracy, in fact the world's largest democracy, India has a weak judiciary. It has not succeeded in ending widespread corruption in its justice system. As the report indicates, thousands of cases of trafficking in persons, physical violence against low caste people, women, and children, extrajudicial killings by police forces, and incidents of religious discrimination are ignored by bribed judges and corrupt cops.

India also faces an array of separatist groups with insurgent forces. From separatists in Nagaland and Assam to militant communists in Andhra Pradesh to the dispute in Jammu and Kashmir, India struggles against insurgent forces within its borders. The communist militias alone killed more civilians in 2005 than in any previous year.

In addition, India is facing increasing political instability from homegrown religious extremists, especially Hindu extremists as represented by the RSS and BJP. These organizations aim to turn India into a Hindu nationalist state and threaten the stability and democratic character of the nation as they pursue any means necessary, including communal violence, to accomplish their goal.

According to the Washington office of the Dahlit Freedom Network, these three main challenges of corruption, insurgent violence, and rising Hindu extremism combine to uniquely affect minority religions, especially Christians. Violence against Christians is on the rise. Reportedly, more Christians were attacked or killed in 2005 than in any previous year. Hindu extremists have placed a particular focus over the past few years on forcibly removing Christians from India. Using a rise in insurgent violence as a pretext, Hindu nationalist organizations in 2005 called for nationwide violence against Christians and for legislation limiting religious conversion. These calls have been heard and answered by local and regional militant orga-

nizations, such as the Bajrang Dal and VHP. The majority of the attacks occurred in BJP-controlled states, including Orissa, Gujarat, and Rajasthan. The corruption permeating India's judicial system ensured that the attackers were not prosecuted.

This pattern of violence seems to be worsening in 2006. More attacks against Christians were recorded in January 2006 than in January 2005. The calls for violence by Hindu extremists have become louder and shriller. For example, in January, tens of thousands of Hindu nationalists gathered at a state-sponsored event in Dangs, Gujarat, under the slogan "Kick out the Christians." Prominent Hindu leaders called for anti-conversion legislation and for violence against Christians. While federal military police prevented violence in Dangs, the call echoed from there to Malkangiri, Orissa, where extremist attacks resulted in the hospitalization of a dozen Christians on January 24. In an incident in Maharashtra state, 50 members of Bajrang Dal on February 26 attacked three Christian pastors associated with a charity and "mercilessly beat them up with crow bars," Compass Direct quoted the general secretary of the All India Christian Council as stating.

Hindu violence next surfaced in the northwest state of Rajasthan this month where Christians have been experiencing a recent wave of large-scale violence. Compass Direct reports, "Hindu extremists have attacked churches and individuals throughout the state in recent months with virtual impunity. An already tense situation exploded . . . after Hindu extremists objected to a book on comparative religion for sale on the campus of Emmanuel Mission International, based in Kota, Rajasthan. Police arrested three EMI staff members and issued 'cease and desist' orders for several of EMI's social institutions, including schools, a hospital and an orphanage." As the Center for Religious Freedom first reported, last week Rajasthan police, in a disturbing new development, traveled across the nation to Bangalore in South India to raid the home of the head of the Global Council of Indian Christians who had been defending the EMI. The founder of EMI had been previously awarded India's highest civilian honor for his forty years' of charitable service to India's needy.

The vulnerable minorities are waiting for the government of India to publicly denounce the anti-Christian stance of the Hindu extremists and take measures to protect them from this religious hatred. The United States should be raising concerns about the failure of India's government to stop this Hindu extremist violence and lending support to help India improve its system of justice.

IRAQ

In Iraq, religious strife has been defined in recent months by the very visible escalation of violence between the Shiite and Sunni Arab populations. The bombing in February of the golden-domed Shiite shrine in Samarra and retaliatory attacks against a number of Sunni mosques captured headlines worldwide. Less noticed is the mounting persecution of the Christian, Sabeen Mandeian and Yizidi religious minorities, along with the Shabaks and Turkomen. Christians, constituting the overwhelming majority of these groups, are represented chiefly by Aramaic-speaking (the language of Jesus) ChaldoAssyrians and a smaller number of Armenians.

About a million of these minorities remain in Iraq, with their numbers rapidly dwindling. Reportedly hundreds of thousands of Christians have fled the country over the last two years since the first of now more than a dozen churches were bombed or attacked. Since then other Christian property has been destroyed or confiscated, and many Christian people have been targeted because of their faith for death, kidnapping for ransom, or both.

As the UNHCR recently found: "Acts of violence reported by Christians and/or which appear to target Christians include bombings and other attacks on churches . . . the serious or fatal attacks on shop owners and/or business persons involved in trading and selling alcohol, harassment, extortion, kidnapping, and even torture of persons perceived as not respecting Islam (e.g. women who appear in public without a hijab, persons accused of not respecting the teachings of the Koran and persons refusing to convert to Islam) . . . Others have been targeted for kidnapping against ransom based on the perception that Christians are generally more wealthy than others." It states further: "While much of the hardship and harassment they report that they face is symptomatic of the situation of general insecurity faced by all Iraqis in present day Iraq, *members of the Christian minority nevertheless appear to be particularly targeted.*" (emphasis added).

Some neutral observers are estimating that as much as fifty per cent of the hundreds of thousands of Iraqi refugees being processed in Syria are Christians. We could very well be witnessing the extinction of the ancient Christian community in Iraq as their numbers threaten to shrink to statistical insignificance. Though many incidents against them and the other smaller religious minorities are recounted in

the report, their overall devastating significance for these communities is neither noted nor commented upon.

An Iraqi Muslim acquaintance recently visited my office to encourage the Center to speak out about the plight of the Christian and the other smaller minorities. He told me they are perceived as “weak” because they do not have their own militias and are few in number, and thus “easy targets for brutalization by the extremists of all groups—Sunni Arab, Shiite and Kurdish.” In his view, the United States has “abandoned” them. By this he meant that the U.S. government should more effectively use its leverage with the Kurds and Shiites to better ensure the protection of the small minorities, and should ascertain that a fair share of U.S. aid goes to develop their areas so they can find a modicum of security within Iran.

Observers, myself included, have compared Iraq’s Christian community to a “canary in a coal mine.” That is, the terror visited upon the Iraqi Christians, because they are weak, will eventually become the pathologies and trends of the extremists directed against the society at large, and, possibly, against other vulnerable minorities in neighboring countries.

Christians, the original targets of kidnappings and assassinations carried out by thugs disguised as police, continue to be victimized by this form of violence. The first incidence reported of a person killed by militants disguised as uniformed police officers occurred in Basra on November 18, 2003, when Sargon Nano, a Christian, was dragged from his vehicle and shot. This method of uniformed thuggery was then spread to target members of the Mandaean religious community, and, today, it victimizes many Iraqi sectors.

Islamist extremists have begun violently enforcing sharia rules on Christians. Ninety five per cent of liquor stores, mostly owned by Christians, have now been destroyed or shut, as the State Department reports. Christian women are being forced to wear Islamic head coverings, some who do not suffer acid being thrown in their faces. A source at the Assyrian Star magazine, the publication of the Assyrian American National Federation, provided some other examples: On March 15, 2005 in Basra, as noted in the State Department report, university students listening to music and not in hijab were attacked by members of the Mahdi militias while picnicking. The Mahdi militants objected to the music, the western attire, and the mixed male/female gathering. The report fails to note that there was one student killed in the attack—a 20-year-old Assyrian girl, Zohra Ashor, who had her western-style clothes torn off before being clubbed to death. (In August when the local office of al-Hurra tried to report on the event, it was threatened. The office has since closed and the employees are in hiding.) Likewise, in Mosul, the only women killed in targeted violence this past year were members of the ChaldoAssyrian community. One of them, twenty-year old Anita Theodoros Harjo, a student in Nineveh Art Academy, disappeared last August 8 as she ran errands between an Internet Café and her home. Her beaten and bludgeoned body, still clad in her American jeans, was found dumped in ‘Akkab cemetery.

If such treatment of the Christians continues its pattern of broadening, what could follow is the complete Talibanization of behavior of that part of Iraqi society that is within reach of the Mahdi militias.

Christians and the other smallest religious minorities continue to be vulnerable throughout Iraq, even in the Kurdish area, particularly the KDP-controlled parts, as the report points out. The Iraq Sustainable Democracy Project (ISDP) reports that Kurds linked to the KDP have confiscated millions of dollars of ChaldoAssyrian Christian property in such towns as Derey, Coumaney and Maristak. At the same time, the political disenfranchisement of many Christians that is acknowledged in the report regarding the January 2005 elections, as well as the October 2005 referendum (which is not so acknowledged), has exacerbated the Christians’ disadvantage in claiming an equitable share of reconstruction funds. To give one example, in the town of Bakhdeda, home to 30,000 ChaldoAssyrian Christians, houses are collapsing and children are regularly exposed to septic water as they play, but the churches appear to be in mint condition—reportedly the result of a cynical allocation of reconstruction funds by Kurdish officials there. KDP-controlled areas in northern Iraq could soon see parishes without parishioners. In other places, such as the city of Mosul, there are increasing demands posted to Christians, both particular and generic, to leave the city or risk death, reports the ISDP.

Violations of the human rights of these non-Muslim groups are often hidden within the report’s descriptions of the larger situation of insecurity and terror. Greater focus needs to be given to the Christians and the smaller minorities for two essential policy reasons:

First, the proportional effect of even small numbers killed on the diminishing Christian population and the other non-Muslim minorities has enormous implications for the continuation of religious diversity in the country, an important moder-

ating effect on that society, as well as for the survival of a unique and ancient Church.

Second, the tendency to concentrate on bigger groups and numbers masks the signs of new trends and methods in the violence—methods that are practiced first on the “weakest” sector, the Christians and other small religious minorities.

Finally, as the tragic drama plays out concerning the abduction of *Christian Science Monitor* journalist Jill Carroll, let us remember her translator, Allen Enwiya, a ChaldoAssyrian who was shot immediately when they were captured. He had taken the job to support his wife and small children after his music shop had been bombed. The invisibility of his persecution and death, even in such a high-profile case, is a familiar plight for Iraq’s smallest minorities.

The United States government should more closely monitor and report on these very vulnerable religious minorities who are being preyed upon by all sides; ensure their protection through effective diplomacy and through economic/reconstruction aid that they themselves can administer for their villages and areas, engage in a consultation process with their civic leaders to create for them safe havens within Iraq; and develop opportunities to allow the safe return of the hundreds of thousands who have fled the country and are now stranded in Syria and Jordan. In Iraq, the United States has the political and economic leverage that could possibly determine the fate of Iraq’s ChaldoAssyrian Christians and other small minorities.

NORTH KOREA

In December 2005, the U.S. Commission on International Religious Freedom issued a comprehensive report on the conditions of freedom of religion and belief in North Korea, entitled “Thank You, Father Kim Il Sung.” This report was the first ever to systematically interview dozens of former North Koreans, as well as others who have first-hand knowledge of the situation. The report documents severe abuses of religious freedom, including executions, torture, and imprisonment, along with the forceful imposition on all North Koreans of the regime’s quasi-religious cult of personality, called *Juche* and/or Kim Il Sungism.

Specific detailed findings from the Commission’s report include the following:

- *Juche*, the official state ideology of Kim Il Sung Revolutionary Thought, is the only officially permitted system of thought or belief in North Korea, and is enforced through ongoing mandatory adult education classes in the workplace and in shrine-like Kim Il Sung study centers;
- intensive and continuous anti-religious propaganda is carried out by the government in the schools, media, and *Juche* study sessions;
- religious activity is banned, resulting in the fact that none of the interviewees was aware of any authorized religious activity inside North Korea;
- persons caught for engaging in religious activity are severely persecuted, which most interviewees had either heard about or personally witnessed; such persecution included execution, torture, and imprisonment of persons for personal possession of a Bible or other religious materials;
- brutal interrogation is carried out by North Korean police officials of repatriated North Koreans who are apparently sent in large numbers to incarceration facilities; contact with Korean-Chinese churches, and, more generally with South Koreans is considered a political offense, and several of the interviewees related tales of persecution as a result of their contact with churches in China; and
- following the suppression and virtual elimination of all public observance of religion by Kim Il Sung since the 1970s, the regime has allowed the re-emergence of a highly circumscribed, tightly monitored, and state-controlled religious practice that is best described as an emanation of the party-state itself.

The 2005 country report neither cited, nor incorporated, the findings from the Commission’s seminal work “Thank you, Father Kim Il Sung.” It could be that the Commission’s study was published after the Country report was written.

Nowhere in the Country Report is there a discussion of the violently anti-religious propaganda the regime spreads through state schools, media, and adult ideological study sessions. Although there is some discussion of ideological indoctrination by the state scattered throughout the report, the Commission’s study provides a detailed description of how every individual is subject to cradle-to-grave indoctrination of an ideology that all North Koreans understand to be the only belief system permitted by the regime.

Finally, although the report cites South Korean media reports from one defector that repatriated North Koreans who have had contact with churches in China are

considered political criminals and are subject to harsh treatment, the Commission's study provides substantially more corroboration of the extent of this problem. Over two-thirds of the North Koreans interviewed for the Commission study had themselves been repatriated from China, and several either suffered or witnessed first-hand grave abuses by the North Korean security services.

It is regrettable that the new study conducted by the Commission, an independent government agency, that sheds rare light on a pivotal human rights issue in a country that has risen to the top of the U.S. foreign policy agenda but about which the United States knows little was not mentioned in the State Department's human rights report. Hopefully, this was a timing issue and not an oversight. Because North Korea has a totalitarian system, ideology and religious belief are at the heart of the human rights situation.

PAKISTAN

Recent months have been particularly difficult for Pakistan's vulnerable Christian community as violent mobs repeatedly took to the streets as part of the fracas over the Danish cartoon, often targeting Pakistani Christians as proxies for Denmark and the West.

For years, Pakistan's various religious minorities have borne the brunt of the country's draconian blasphemy laws. Christian Yousaf Masih, a 60-year-old illiterate janitor from northwestern Pakistan, was among those arrested for "blasphemy" this past year because he allegedly burned a Koran. In November in the town of Sangala Hill, after word of his case got out, mobs destroyed three churches, a convent, a Christian school, over four hundred Christian homes and Bibles. In December, a militant mob rallied to demand Masih's public hanging and the eradication of the entire Christian community there. Fortunately, Masih was eventually acquitted and released from prison, though hundreds of Pakistanis of all faiths have been and some continue to be charged with blasphemy.

Blasphemy riots resurfaced in February in protest against the publication of political cartoons depicting Mohammad in Denmark. More churches were set ablaze in various cities, a famous Christian singer was forced by thugs to recite the Islamic creed, a Pentecostal pastor was abducted and reportedly tortured, and large violent marches, sometimes led by politicians and government officials, destroyed or damaged Christian hospitals, schools, businesses and other property in various Pakistani cities. The AFP reported on March 12 that during one recent rally in Multan, the district Bar Association, a lawyers' group, announced a reward of 10 million rupees for the death of a cartoonist.

The Christians' tenuous position prompted a historic meeting of high-level leaders from diverse churches and Christian organizations in Islamabad on February 28, 2006. Organized by the All Pakistan Minorities Alliance (APMA), participants included the bishops of the Catholic Church and the Church of Pakistan, as well as the leaders of evangelical and other churches in Pakistan, and Christian Members of the Parliamentary Assembly.

Evidence presented at the meeting indicated that in a number of situations the police assisted the protesters in carrying out violent attacks against Christian churches and institutions, while in many other incidents police guards disappeared when mobs attacked Christian sites. According to the participants, provocative speeches by the "ulemma" (Islamic leaders) further aggravated the situation and instigated their followers to take the law into their own hands. Some participants spoke of the overall lack of security and safety for Christian minorities in Pakistan.

The participant agreed to a new initiative for self-protection based on the unity and solidarity of all the Christian churches, institutions and organizations in the country, as well as of moderate Muslims. They emphasized the importance of strengthening the All Pakistan Minorities Alliance as a national center to document and protest acts of violence and intimidation against minorities, as well as to represent the religious minority position with government officials and Muslim leaders.

RUSSIA

The Russia report is one of the most extensive of the State Department Country Reports. Here I would like to simply comment on Russia's new law on non-governmental organizations (NGOs), which will effect the work of faith-based groups, among others.

In spite of widespread concern and opposition, President Putin signed the NGO law on January 10, 2006. The new law is part of an ongoing campaign to dismantle any meaningful institutional checks on the Kremlin's power. It gives authorities the power to isolate NGOs and human rights defenders from their international support networks and force them to shut down if they do not meet registration require-

ments. These organizations will be required to register with the government, detail their activities and submit to screening by a new regulatory bureaucracy, which will decide whether the activities are permitted. Vague language in the law will enable the authorities to intimidate and control the NGO sector.

Under it, the government can deny registration to any domestic or foreign NGO if it finds that its “goals and objectives . . . create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation.” The law also allows expanded governmental monitoring of NGOs. The Russian government will be allowed to send representatives to any NGO event, including internal meetings. This provision will deny basic rights to privacy and freedom from arbitrary state interference for these private groups.

Although the NGO law does not go into effect until April, already there is increased pressure on NGOs in Russia, especially on those organizations that work on human rights and the North Caucasus. In January, just days after President Putin signed the law, a Russian court banned two foreign NGOs (a UK charity and a German humanitarian organization) that were helping Chechen refugees.

The State Department report provides details about the continued Russian government pressure on the Russian-Chechen Friendship Society. It should be noted that human rights defender Stanislav Dmitrievsky, head of the Russian-Chechen Friendship Society, was convicted on February 3, 2006, under a counter-extremism law of inciting hatred or enmity on the basis of ethnicity and religion because he published statements of Chechen separatist leaders in the newspaper *Pravozaschita*. It is also worth noting at this point that the report's casualty figures for Chechnya underestimate by as much as fifty percent commonly cited figures.

The country report understates the level of international and Russian domestic concern over the NGO law. When the NGO law was introduced in the Duma last November, Freedom House convened a meeting to discuss its implications for civil society in Russia. NGO representatives, including those from Freedom House, Amnesty International, Open Society Institute, Eurasia Foundation, International Center for Not-for-Profit Law, National Democratic Institute, International Republican Institute, Human Rights Watch, Human Rights First, IREX and Internews, signed a joint letter to the Chairman of the Russian Duma urging him to reject the draft law on the grounds that it violated “the fundamental, universal rights of freedom of expression and association” and would undermine the independence of NGOs with intrusive and excessive regulations. NGOs in Russia also voiced their concern.

Freedom House Director of Studies Christopher Walker gives the following assessment of the law:

“The NGO sector has a valuable role to play as a check on executive power, offering valuable feedback to the authorities, and contributing a diversity of ideas to the policy debate. The long list of Russia's deep structural problems—enhancing the efficiency of state management, debureaucratization, diversifying the economy, and reforming the military and security services—cannot be solved by decree. This is of particular importance with approaching elections slated to be held in 2007 and 2008. In fact, both of these elections should be the appropriate forum in which to have a vigorous discussion about how Russia can tackle corruption and other challenges facing society. Unfortunately, an intimidated and beleaguered NGO sector will not make the sort of contribution to this debate that would serve the public interest. This reality brings us back to the implications of the passage of the new NGO law. Unfortunately, the common denominator in the new restriction on NGOs—as well as all of the steps taken to curb the independence of the judiciary, parliament, governors and news media—is the reduction of accountability of key institutions to the Russian people.”

SAUDI ARABIA

Perhaps the weakest human rights report concerns one of the most important countries in the post-9/11 world—Saudi Arabia. It provides a detailed, point-by-point discussion of Saudi Arabia's human rights record, but misses the big picture of the kingdom's fanatically bigoted ideology, often called “Wahhabism” after its founder. It is this ideology of Wahhabism that explains much of Saudi Arabia's “poor” human rights record. A form of Islamist Salaafi extremism, Wahhabism is a major basis of governance inside Saudi Arabia, and defines the propaganda exported throughout the world by the Saudi government. The report contains frequent generic references to Saudi's application of sharia or Islamic law but makes no mention of the state's overarching Wahhabi or Salaafi ideology. This would be comparable to describing the Soviet Union as a “secular” government without mentioning communism.

Underlying the human rights incidents and practices described in the report is an ideology based on a brutally enforced hierarchy of group rights—Muslim and non-Muslim, men and women, dominant Muslim sect and minority sect, with individual rights and freedoms subordinated to the group. No analysis of Saudi Arabia's human rights record can be considered adequate without a clear understanding of the government's ideological basis. It is this Wahhabism or Salaafism that serves to distinguish Saudi Arabia as the “epicenter” of Islamist extremism, to use the phrase of a high-level Treasury official, and results in the government's rejection—in principle as well as practice—of religious freedom, equality under the law, and individual human rights.

Last year, the Center for Religious Freedom published a study based on original research analyzing Saudi propaganda tracts collected in the United States. The various Saudi publications gathered state that it is a religious obligation for Muslims to hate Christians and Jews and warn against imitating, befriending, or helping such “infidels” in any way, or taking part in their festivities and celebrations. They instill contempt for America because the United States is ruled by legislated civil law rather than by totalitarian Wahhabi-style Islamic law. Some of the publications collected for our study direct Muslims not to take American citizenship as long as the country is ruled by infidels and tell them, while here, to work for above all the creation of an Islamic state. The Saudi textbooks and documents our researchers collected preach a Nazi-like hatred for Jews, treat the forged Protocols of the Elders of Zion as historical fact, and avow that a Muslim's duty is to eliminate the state of Israel. Regarding women, the Saudi state publications instruct that they should be veiled, segregated from men and barred from certain employment and roles.

In these documents, other Muslims, especially those who advocate tolerance, are condemned as infidels. The opening fatwa in one Saudi embassy-distributed booklet responds to a question about a Muslim preacher in a European mosque who taught that it is not right to condemn Jews and Christians as infidels. The Saudi state cleric's reply rebukes the Muslim cleric: “*He who casts doubts about their infidelity leaves no doubt about his.*” Since, under Saudi law, “apostates” from Islam can be sentenced to death, this is an implied death threat against the tolerant Muslim imam, as well as an opening to vigilante violence. Sufi and Shiite Muslims are also viciously condemned. Other Saudi fatwas in the collection declare that Muslims who engage in genuine interfaith dialogue are also “unbelievers.” As for a Muslim who fails to uphold Wahhabi sexual mores, either through homosexual activity or heterosexual activity outside of marriage, the edicts distributed in America advise, “*it would be lawful for Muslims to spill his blood and to take his money.*” Regarding those who convert out of Islam, it is explicitly asserted, they “*should be killed.*”

It is this ideology, which remains the basis for Saudi rule today, that is put in practice within the kingdom through a combination of religious police, vigilantes, and other security officials, sharia courts, and a harsh penal system. Until Saudi Arabia's rulers reject this as its governing ideology, their promises of reform are not credible. In a few weeks, the Center for Religious Freedom, in conjunction with the Gulf Institute, will release a new study of current Saudi educational materials showing that the Saudi state's ideology of religious hatred is very much intact.

I also wish to point out another major flaw in this State Department report: its frequent use of exculpatory language. This has also been noted by the U.S. Commission on International Religious Freedom, on which I serve as vice chair. In its March 10 press release, the Commission maintained that “there is an inordinate emphasis on optimistic statements by Saudi leaders; statements that have yet to be followed by action,” and “[i]n some cases, the report even appears to justify serious abuses perpetrated by the Saudi government.” The Commission provides some examples:

“[I]n the report under the section on ‘Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment,’ there is a discussion, citing press reports, of government lashing of persons convicted under *sharia* (Islamic law). In explaining the specifics, the report states, ‘. . . lashes were generally administered with a thin reed by a man who must hold a book under his arm to prevent him from lifting the arm too high. The strokes, delivered through a thin shirt, are not supposed to leave permanent damage, but to leave painful welts that bleed and bruise.’ This gives the impression that this particular act of torture employed by the Saudi government is administered in a humane, and thus permissible, manner. Further, in the ‘Freedom of Religion’ section, there is an inordinate amount of attention to statements by Saudi officials that could be read as improvements, while conditions for religious freedom have, in fact, not improved on the ground. Also, in highlighting the activity of imams in mosques, the report states that ‘Although to a lesser extent than in the past, mosque

preachers, whose salaries are paid by the government, frequently used strong anti-Israeli and anti-Semitic language in their sermons . . . there continued to be instances in which mosque speakers prayed for the death of Jews.' The decrease of frequency of these kinds of statements should not be construed as a significant improvement, however, given that inciteful and inflammatory remarks by imams are still rampant."

Another example is found in the first sentence of the section on "Women" that in a blanket fashion asserts, without any supporting analysis of the relevant laws, "Sharia [Islamic law] prohibits abuse and violence against all innocent persons, including women."

The State Department human rights report on Saudi Arabia should include a human rights review of Saudi religion textbooks used in public schools, government clerics' statements, and publications by the state's Islamic Affairs Ministry, as well as other state publications, and discuss Saudi governing ideology in general. It should verify whether reforms have in fact been carried out rather than crediting promises made by government spokesmen. Saudi laws and practices should also be evaluated according to universal human rights standards, as the State Department does in reporting on other countries.

SRI LANKA

The government of Sri Lanka has for years faced intense pressure from militant Buddhists demanding an end to the growth of minority religions in this overwhelmingly Buddhist country. Well-organized militants have perpetrated over 200 attacks against religious minorities, largely Christian, over the past two years, yet the government of Sri Lanka routinely appeases Buddhist extremists by failing to prevent the violence or prosecute those responsible. The State Department report appropriately acknowledges government indifference in the face of widespread and violent religious oppression. According to an assessment of the Becket Fund for Religious Liberty, the report is deficient in that it neglects to mention the government's introduction of anti-conversion legislation; and it does not recognize the link between religious oppression and certain political killings.

In 2005, Sri Lanka was on the brink of adopting legislation that would have undermined freedom of speech, press, assembly, and religion. On June 27, the government submitted to the parliament a criminal anti-conversion bill authored by the current Prime Minister. The bill sought to reverse the perceived growth of non-Buddhist religions by creating a new crime of "attempted conversion" punishable by 5–7 years in prison. An international outcry, including sharp criticism from the UN Special Rapporteur on Religious Freedom, helped prevent the bill from coming to a vote before the most recent elections. Yet, the heated and often violent debate continues and Sri Lanka may again move to criminalize conversion in the coming months.

The report notes that a prominent Christian member of parliament was murdered inside a Catholic cathedral while attending Christmas Mass and that the killers may have been government-linked paramilitaries. The report also mentions a November 18th grenade attack on a mosque that killed 4 worshippers during morning prayers by assailants who remain at large. Unfortunately, the report describes these incidents as purely political killings and inexplicably claims that they were "not religiously motivated." The specific targeting of houses of worship during prayer time should be included as an attack on religion. Political considerations aside, these attacks had the effect of terrorizing people of particular faiths and should be strongly condemned in those terms.

SUDAN

As the State Department's Country Report demonstrates, Sudan is a country of acute misery and repression: A rebellion in the western state of Darfur that is being countered by a government-supported genocide, a South recovering from a twenty-year civil war that finally ended last year after having taken the lives of two million people and displaced another five million of its inhabitants, along its Ugandan border, a roving army of marauding rebels led by the madman Joseph Kony and calling itself the "Lord's Resistance Army"; and severe human rights abuses in the northern part of the country.

The report focuses much of its attention to the situation in Darfur and human rights issues in the north. Therefore, I wish to use my limited time to say a few words about the South and the Lords Resistance Army.

Inexplicably, the report fails to mention that religion played a large part in the war between the North and the South that was resolved with a peace agreement in January 2005. The southern rebellion was triggered when Khartoum forcibly im-

posed Islamic law on the Christian and animist South. This is important to remember because it explains why the peace accords create a separate government in the South and devised a difficult power- and revenue-sharing scheme to accommodate both sides. With two entirely different systems of law and governance, the two sides will depend on the careful implementation of these terms to maintain the peace.

The United States played a leading role in brokering the peace. It must stay engaged in overseeing the implementation of the terms of the peace agreement. It must not allow the oversight committee, on which it has a formal role, languish as it has until very recently. I spoke last month with Minister Rebecca Garang, the new Transportation Minister of South Sudan. She said that there is little transparency in oil revenues and thus the South doubts it is receiving its fair share of the revenues under the peace accords. Ensuring this transparency should be a top priority for this administration after all it has invested—and achieved—in ending the North-South war.

The United States should also lead the international community in expediting the resettlement of the 4.5 million internally displaced persons back to their homes in the Nubas and the South. In addition, thousands of Southerners enslaved and transported to the north reportedly have been identified by the government's CEAWC program but they remain stranded in the north. All of these persons, who have already experienced unfathomable suffering, are vulnerable to further abuse, disease and exploitation and should be assisted in their safe return home without delay. A delegation of the US Commission on International Religious Freedom recently visited a camp outside of Khartoum holding some 40,000 persons who had escaped the violence and government-made famine in the South in prior years; the team was told that, since there is no transportation available to these people and there are no resources to sustain them should they return, for the indefinite future they must remain dependent on charity in the region of the country that a few years ago sent militias to destroy their homes and villages. Peace came to South Sudan over a year ago, and it is time to find a way to bring these desperate people home.

The Lord's Resistance Army, as this report, as well as the report on Uganda, observes, kidnapped children in Uganda and brought them to South Sudan. In fact, since it was founded in the 1980s, the group has kidnapped an estimated 38,000 children to serve as fighters, porters and sex slaves. Some South Sudanese, as the report notes, were among its victims. In addition, it is responsible for an estimated death toll of 200,000 from fighting and disease and the displacement of 2 million Ugandans. These figures are identical to those given in updates for the Darfur genocide, yet the Lord's Resistance Army has received scant international attention. The government in Khartoum has been a long-time supporter of Kony and in the past has given his Army sanctuary within Sudan's borders, although, as the report states, Khartoum has recently allowed the Ugandan army to come across its borders in pursuit of the Lord's Resistance Army. The United States should lead in publicizing this abomination and work with all the governments in the region to end it. The fact that children (entire student bodies of some schools have been abducted in raids) are the main victims makes this a moral imperative.

VIETNAM

Religious persecution continues in Vietnam, despite the adoption of the final portion of new religious legislation a year ago this month that was touted by Hanoi as a protection for religious freedom. Rather than liberalizing the situation for religious believers and allowing them to function freely under democratic rights, these measures demonstrate clearly that Vietnam persists with its prior policy of maintaining administrative control of religion. The new regulations continue with an artificial and arbitrary definition of legalized religion that is, allowing only a few, usually compliant, religious organizations of the six major religions. Vietnam continues to perceive members of non-recognized religious bodies as "enemies of the State." In a "White Paper" on human rights issued by Vietnam in August 2005, religious critics were described as "persons who wrap themselves in the religious cloak to serve the interests of the outside forces." This has produced a situation rife with religious tension.

Abuses against Buddhists, Christians, Mennonites, Hoa Hao Buddhists and all non-State-sanctioned religious communities continue to be widely reported. In addition to arrest, beatings, and imprisonment, tactics of repression that have reported in 2005 include detainee isolation, repeated and prolonged police interrogations, harassment, and death threats. The Paris-based Buddhist human rights group Que Me reports that "Religious Security Police" (*cong an ton giao*) infiltrated non-recognized religious bodies, using slander and disinformation to create schisms and undermine them from within.

Members of the banned Unified Buddhist Church of Vietnam (UBCV) remain a major target of persecution. Que Me reports the following: Representative boards set up by the UBCV in 12 provinces of central and southern Vietnam to defend the fundamental rights of local people were declared “illegal” by the government. Members of these boards were systematically harassed and pressured to cease all contacts with the UBCV. In August, 18 members of the Binh Dinh provincial board were interrogated without food for three days and its chairman, Thich Tam Lien, was hospitalized as a result. In Khanh Hoa, UBCV nun Thich Nu Thong Man continues to suffer relentless pressure and intimidation. In March 2006, she was expelled from Dich Quang Pagoda after police forced almost one hundred local people to participate in a “denunciation session” against her. UBCV Patriarch Thich Huyen Quang, 87, and his Deputy, Thich Quang Do, 76, remain prisoners in their monasteries after almost 30 years in detention for their peaceful advocacy of religious freedom and human rights. Thich Quang Do was arrested three times in the past 12 months and physically manhandled by Security Police. On November 19, 2005, police apprehended him in an attempt to prevent him from presiding at a religious ceremony at the nearby Giac Hoa pagoda. On February 16, 2006, he was arrested and detained for six hours at the Ho Chi Minh City railway station as he sought to visit UBCV Patriarch Thich Huyen Quang in Binh Dinh. After forty UBCV monks staged a hunger strike to demand his release, Security Police forcibly returned Thich Quang Do to his monastery from which he is barred from leaving.

Ethnic Hmong and Montagnard Christians in the Northern and Central Highlands also continue to suffer intense abuse, including arrest, torture and beatings, by security forces and local authorities who pressure them to abandon their faith. This continues to occur despite legislation banning forced recantations. New directives on Christianity have been used as a pretext to arrest minority Christians, and, as the Center for Religious Freedom disclosed last year, secret government directives have specifically ordered the eradication of Protestantism in minority areas (e.g., Task Force 184 document in Dien Bien province, February 25, 2005). Since November 2005, scores of Montagnards have been forced to join the state-sponsored Protestant Church. In December 2005, armed troops were deployed in at least 56 villages in Gia Lai, Dak Lak and Dak Nong provinces to intimidate the Montagnards and maintain surveillance over them at Christmas. Since 2001, some 300 Montagnards have been arbitrarily detained.

Vietnam’s “improved” religion legislation was supposed to ease religious activity and clarify how non-registered religious organizations could acquire legal status. Sources inside Vietnam report that some registration of religious activity for local congregations of both registered and non-registered religious groups has occurred. The most marked progress has been in the Central Highlands province of Gia Lai where 29 of some 450 congregations of the recognized Evangelical Church of Vietnam (South) have been registered and where the first permanent church building built in the Central Highlands in 31 years was dedicated on February 2, 2006. However, our sources also report that in neighboring Dak Lak province only four congregations of an even larger Christian population have been registered and there is no sign of change. Not one of Vietnam’s estimated 50 house church organizations has received national registration; reportedly, the vast majority are not even willing to risk trying.

The most egregious situation remains among the estimated 250 to 300 thousand ethnic minority Christians, mainly Hmong, in the Northwest provinces. Our sources report that government documents dated in 2005 and 2006 indicate that official anti-Christian campaigns are still in progress. The Protestant church and certain leaders are named as targets of the campaign in some of these documents. Ma Van Bay and other Hmong Protestant leaders remain in prison on false charges. Persecution drove Hmong Christians to flee to several neighboring countries in 2005. During a current government campaign to provide family registration papers and individual ID cards to citizens in the Northwest provinces, minority Christians are not allowed to enter “Christian” in the religion line on the application papers. Reportedly, if they do, they are denied the papers, in what appears to be a new manifestation of the authorities’ campaign to get the ethnic minorities to recant their Christian faith. More than 1,100 ethnic minority Christian congregations have been accepted by the legally-recognized Evangelical Church of Vietnam (North) but remain completely illegal in the eyes of the government. Their leaders are told Vietnam has freedom of religion but it is not for them.

Mr. SMITH. Thank you so much.
Mr. al-Ahmed.

**STATEMENT OF MR. ALI AL-AHMED, DIRECTOR, INSTITUTE
FOR GULF AFFAIRS**

Mr. AL-AHMED. Thank you, Mr. Chairman, for inviting me. I am honored to speak before you on the issue of human rights in the Middle East, and particular attention to Saudi Arabia. And also I would like to discuss the persecution of my own family by the Saudi Government as the result of my work in this country.

Let me just say that whatever I am going to say is not going to cover all of those victims who are for human rights or communities in the Middle East who have had their rights neglected, so I apologize for those who I do not mention.

Just starting with the issue of Darfur again, I think it is the greatest catastrophe of human rights in the region, a catastrophe that has not received attention in the Middle East as it has in the Western world because of those Arab Governments and religious leaders who have played a part in that massacre through their silence and cover-up. These are Sunni Muslim African Blacks, and this is why they are being killed. I have seen videos of beheadings in that region, horrific, horrific sights.

The Arab Governments and the Arab League and religious leaders are part to this massacre. Darfur is not the exception. There are many non-Arab cultures and peoples that are persecuted in the region over their faith or ethnicity. They include Copts, Kurds, Africans, Neopians, Amazigh, Sharkas, Armenians, Persians, Indians, Assyrians and many others; also other religions such as Jews, Christians, Azydees, Sabane, Druze and others. The Middle East is rich in diversity, but that diversity is under threat of massacres and oppression.

In Pakistan, there is continued killing and mass murder of Shia, Christians, and Ahamidahs. The silence of the government is not a strong enough action. Not only non-Arabs and non-Muslims are under the threat of having their rights abused, but also religious and ethnic minorities who are Muslims suffer the brunt of the totalitarian governments and their extremist allies. The two groups that are the main victims of terrorism in the region are the Shia Arabs and the Black African Sunni Muslims.

Most Arab Governments and certain satellite states made it their prime goal to destroy these communities and encourage mass murder against them. In Iraq, for example, daily killing of Shia by the dozens through suicide bombings and bombing of mosques and shrines continues unabated with the open encouragement of the Governments of Saudi Arab, Qatar, Arab Emirates and Syria.

In Bahrain, where the majority of population is Shia Arab, they live under a subminority status. They are marginalized politically, economically, culturally and religiously. They are deprived even from holding a police officer's job, among a long list of abuses.

In the United Arab Emirates it is one of the few countries in the world where elections never take place. They are using children as camel jockeys for the entertainment of the rich and powerful. The United Arab Emirates practices religious discrimination against Shia Arabs and expatriates from the region, blocking them from employment and media appearances.

In Qatar, the government stripped 6,000 people from the Murra tribe, from the original people, the indigenous people of Qatar, who

was there before the establishment of the country. These are Sunni Arab tribesmen who were stripped as a collective punishment for some action by their members. They have lost houses, jobs, public benefits. They have been kicked out to the United Arab Emirates or Saudi Arabia.

The Qatar Government also discriminates against its Shia citizens, who make up about 15 percent of the population. They have been banned from TV appearances altogether as well as from establishing commercial establishments such as banks and investment institutions.

In Saudi Arabia, where the largest Shia Arab minority in the region, they make up 20 percent of the population, but live under substandard second-class citizens, and like Sunni Arab minority in Iraq, Shia Arabs in Saudi Arabia play no political role. They are banned from heading any government agency, and they are banned from a long list of government jobs such as diplomats, ministers, judges, military and security officers, as well as religious teachers. A recent case of a Shia by the name of Alaa Amin al-Saada himself was banned from acting as a witness to a marriage contract because he was simply a Shia. These cases of treating Shia as heretics is common across the Saudi Government. His complaint to the government has not been answered.

Another example is of an American-educated professor, Mohamed Al-Hassan from Riyadh, who has been threatened by death and barred by the government from teaching at the university and working and travel. Although he has a Fulbright scholarship by the United States, he has not been allowed to leave the country. Unfortunately, the State Department, although it reported his case, refused to publish his name as it did with the other reformers.

In Hijaz, the western part of Saudi Arabia, the people suffer under the Saudi Government. Their unique culture and rich heritage and religious understanding have been assailed. Hundreds of Islamic landmarks that are linked to the Prophet Mohammad and his companions, such as the houses of the Prophet Mohammad and other mosques constructed by him and his companions, have been permanently destroyed or are under the threat of destruction. The war against the Hijazi people and their culture has extended even to banning and closing down the Hijazi Music Museum last year.

And in regards to women, Saudi Arabia's late last year election has barred women from participating. These elections are discriminatory and should be condemned as so. They violate international standards.

If Saudi Arabia had barred Shia or Blacks from taking part in these elections, no one would have welcomed them like the State Department did. Any deprivation of any group should be condemned no matter who they are. Hundreds of thousands of women in Saudi Arabia are deprived from receiving their due inheritance under Islamic law. This is with the Saudi Government's knowledge and support.

Talking about my family, my work here, including speaking before you, Mr. Chairman, had created a great deal of suffering for my family at the hand of the Saudi Government. My mother, Malika al-Habib, who is 67 years old, is in need of urgent medical care in the United States, but is not allowed to leave the country

with her son Abdullah, who is the oldest son. He needs to be with her to allow his insurance to be active so she can receive back surgery and other medical procedures as soon as possible. But Abdullah has been banned for travel for 10 years now with his family, and the government has refused his plea to receive a passport so he can bring our mother to this country. Abdullah was in prison for 19 months, and his family and himself were banned.

Another brother, my youngest brother, Kamil, was arrested in 2001 and still is in prison without charge or allowed legal representation. Kamil was tortured by Saudi officials and lost many years of his life just because of the world of his older brother, myself.

The United States State Department unfortunately has left the case of Abdullah and Kamil out of its report, although they had full knowledge of the case since it started. Amnesty International and Human Rights Watch also reported on the case several times. It was not only my letters to President Bush and Colin Powell and Condoleezza Rice and two American Ambassadors to Saudi Arabia and all the staff of the Democracy, Human Rights and Labor Department in the State Department. I really consider the State Department negligent in this matter.

The Saudi Embassy confiscated my passport in March 2004, after I applied for renewal. They have refused to give me one reason for the confiscation. They even refused to give me my expired passport, although it has no value, just to prove it was mine. The State Department was also informed of the situation of this case with details from day one.

Allow me to speak about my American counterparts in Saudi Arabia. There are about 35,000 Americans who live in Saudi Arabia who have contributed greatly to the well-being of our Nation, but unfortunately they are deprived from their religious and human rights—basic human rights enjoyed by us here, Saudi expatriates. I can pray in this building and purchase Koran in this town and anywhere in America, but my American counterparts are not allowed to bring their Holy Bibles. Bibles are even holy in Islam. It is mentioned in the Koran 12 times at least.

If a Saudi or a Muslim expatriate were treated the way Americans expatriates are treated and barred from their rights, I think there would be a huge outrage. I urge to you investigate the situation of my American counterparts in Saudi Arabia through fact-finding missions, and I urge you also to ask the State Department to elevate and devote a section of their human rights and religious freedom reports to the American communities in Saudi Arabia and around the world, because I think as a representative of the American people, your first duty is to people who elected you, not to people like me. I am only an expatriate in this country. And thank you very much for your invitation. Thank you.

[The prepared statement of Mr. al-Ahmed follows:]

PREPARED STATEMENT OF MR. ALI AL-AHMED, DIRECTOR, INSTITUTE FOR GULF AFFAIRS

Thank you Mr. Chairman and members of the Committee for the opportunity to speak to you about the State Departments 2005 Human Rights Report and the situation in the Middle East in the area of human rights. I will review the overall condition of the region with particular attention to my home country of Saudi Arabia and

then discuss the persecution of my family by the Saudi government as a result of my work here in the United States.

** Darfur*

The largest human rights catastrophe in the region is in Darfur, where hundreds of thousands of Sunni Muslim African blacks are being massacred at the hands of a Sunni Arab government. Supporting this crime are other Arab political and religious leaders who revile the US and the West at every chance they get, but who are tacitly approving the murdered and rape of women, men, and children in Darfur, through their silence and media blackout.

Darfur has not been the exception, but rather the rule. There are many non-Arab cultures and peoples that are persecuted in the region over their faith or ethnicity. They include Copts, Kurds, Africans, Neopians, Amazigh, Sharkas, Armenian, Persian, Indians, Chaldeans, Assyrians and many others. The same goes for non-Muslims that include Jews, Christians, Azydees, Sabane, Druze, and others that are persecuted and even murdered for their faith.

In addition to persecuting non Arabs and non Muslims, Muslim religious and ethnic minorities have suffered the brunt of totalitarian regimes and their extremist allies. Today, the main victims of terrorism in the Middle East are the Shia Arabs and Sunni Muslim Africans. Most Arab governments and certain Satellite Stations have made their prime goal to wage a war against the Shia Muslims in the Middle East, and other religious and ethnic minorities.

I will shed light today in the case for the Shia Arabs of the Middle East, who are enduring severe marginalization, intimidation, and straight out genocidal campaign. In Iraq they are murdered by the dozens every day, with the support of neighboring countries such as Saudi Arabia, Qatar, Jordan, and Syria.

- *In Bahrain*, the majority of the population is Shia Arabs who are marginalized politically, economically, academically and religiously. They are deprived from even assuming the position of a police officer.

** UAE*

The United Arab Emirates continues to be the only country in the world that has never seen any form of elections. The practice of using poor expatriate children as camel jockeys for the entertainment of the rich and powerful continues. The UAE practices religious discrimination against Shia Arabs in employment.

** Qatar: the Muraa Tribe*

The Qatari government stripped six thousand indigenous Sunni Arabs, of the Murra tribe from their citizenship, as a collective banishment. They lost their jobs, any public benefits. The Qatari government also discriminates against its Shia citizens who make up 15% of the population. They are banned from government TV and Radio, as well as from establishing financial institutions.

** Shia Arabs*

In Saudi Arabia, the Shia, make up about 20 percent of the population, and are treated as second class citizens. Unlike Sunni Arab minority in Iraq, the Shia Arab minority in Saudi Arabia plays no political role, and is under a total media shutout from government TV and radio. Shia Arabs are banned from leading a single government agency. They are officially banned from a long list of official positions that include the following: diplomats, ministers, judges, military officer, religion teacher, and many other positions. In fact, the Saudi embassy in Washington is a stark example of that policy. It has never employed a single Shia in its entire history.

The sectarian government of Saudi Arabia is the most anti-Shia government in the world. A recent case took place in Saudi Arabia where a Saudi judge denied Mr. Alaa Amin al-Saada from Safwa to act as a witness in the marriage of his Sunni employer's daughter. The reason was that he was a Shia Muslim deemed by the Saudi government to be a heretic. Mr. al-Saada complained to the Minister of Justice and did not receive an answer.

Another example is Professor Mohamed Al-Hassan from Riyadh, who has been the target of the Saudi government persecution for the past four years. He has been threatened with death, and banned from work and travel. The State Department has declined to publish Dr. Al-Hassan's name in their annual report, a policy they have not used with other reformer.

** Hijaz*

The people of the Hejaz, are mostly Sunni Muslim who suffer under the Saudi government. Their unique cultural heritage and religious understanding have been assailed by the Saudi government. Hundreds of Islamic landmarks in the holy cities of Makkah and Madina, including the houses of Prophet Muhammad are being per-

manently destroyed as part of a government war against the Hijazi people and their culture. These historical sites are being destroyed in the absence of any outrage by Muslims. The campaign even reached Hejazi music. Last December the Saudi Interior Minister ordered the closing of a Hejazi Music museum.

The Saudi partial elections has been discriminatory, and violated international standards. Women were barred from voting and running to office. These elections should have elicited international condemnation, as they have banned women. They would have received condemnation, and called sectarian, and racist if they had excluded Shia or blacks.

** My Family*

My work, including speaking before you today, has caused a great deal of hardship for my family at the hands of the oppressive Saudi government. My mother, Malika al-Habib who is 67 years old and in need of urgent medical care in the United States has not been allowed to leave the country with my oldest brother, Abdullah. Abdullah needs to travel to bring our mother for treatment in the United States, where she needs back surgery as soon as possible, and other medical procedures following a car accident last November. She is covered under his insurance, which cannot be active unless he is present with her.

Abdullah was imprisoned in July 1999 for 19 months and later with his family banned from foreign travel to date. In 2001, the government arrested my younger brother Kamil.

Kamil has been in prison for five years now without any charge nor allowed legal representation, after the government denied him his right to a lawyer. Kamil was tortured, by Saudi officials in Dammam and years of his youthful life have been lost.

The United States State Department has intentionally kept the case of my brothers off the annual human rights report. The case of Kamil and Abdullah has been provided to them in my many letters to President Bush, Secretary Powell and Rice, Ambassador Robert Jordan and James Oberwetter, and to the directors and staff of Office of Democracy, Human Rights, and Labor. Amnesty International and Human Rights Watch have also reported the case several times. In fact, in 2004, Congresswomen Rose-Latiopin wrote to the State Department on the case of Kamil. I consider the State Department negligent in this matter.

The Saudi embassy confiscated my passport in March 2004, after I applied for a renewal. They have refused to give me one reason for the confiscation. The State department is fully aware of the issue from the beginning. I remain without a passport since then.

** American in Saudi Arabia*

There are over 35,000 Americans in Saudi Arabia, who are deprived from their religion and basic human rights enjoyed by their Saudi counterparts in the United States. While I can pry inside this building, and buy a Quran anywhere in the US, my American counterparts in Riyadh are not allowed to wear their sacred cross, or gather publicly for Christian service. If Saudis or other Muslims were treated even remotely as bad in America as foreigners are treated in Saudi Arabia there would be major international reaction.

I urge you to investigate the situation of my American counterparts in Saudi Arabia, to ensure their rights to publicly celebrate their religious and national holidays, such as Christmas and the Fourth of July as well as other American national holidays.

I urge you to ask the State department to devote a section in their annual human rights and religious freedom to report on the situation of American communities in Saudi Arabia and other countries around the world.

Thank you for your kind invitation

Mr. SMITH. Thank you very much for your testimony and for your recommendations, which we will follow up on.

**STATEMENT OF MS. SHARON HOM, EXECUTIVE DIRECTOR,
HUMAN RIGHTS IN CHINA**

Ms. HOM. Thank you, Mr. Chairman and Members of the Committee. I want to especially thank the Chairman for inviting Human Rights in China to testify today, and commend the Chairman and the Committee for your leadership and tackling the problems and challenges of promoting greater freedom on the Internet.

I would like to enter my written testimony with corrections reflecting events since we submitted it, as requested, on Tuesday. And I would like to take my oral time to summarize and to add a few additional comments.

The State Department's 2005 report is an important monitoring tool for advancing the U.S. Government's commitment to promoting the observance of internationally recognized human rights by all countries, and through its in-depth analysis of human rights violations by countries around the world, this report will help to ensure or contribute to a hoping that gross human rights violations will not be easily trumped by narrowly framed security and trade agendas.

My NGO colleagues have noted this is a mammoth effort to put together the reports, and it is herculean or Amazonian for the whole world. But with respect to China, the task is made even more difficult by the information controlled by the Chinese Government. So I would like to take this opportunity also to note with appreciation the job well done, and how much we in Human Rights in China have appreciated the openness and constructive relationship we have had with State Department and the U.S. Government in accepting submissions and briefings and information from us.

The State Department report notes some positive developments in China, but overall presents a sobering inventory of the serious and ongoing human rights violations. And despite improvements in some limited areas, the situation is generally deteriorating and remains serious for NGOs, petitioners, political dissents, and human rights defenders.

We want to commend the inclusion of a number of very specific individual cases, because by naming rights defenders, activists, journalists in detention, the report keeps the human beings in the picture and does not get them lost in faceless statistics, because the detention of one journalist, lawyer or rural activist has a broader silencing, intimidating and undermining impact on the rights of all.

Unfortunately, the annual State Department report also underscores the difficulty and challenges of promoting systemic and structural human rights progress under an authoritarian regime that is also a very powerful economic and political global actor. So an important challenge for the State Department and Congress is how to get more traction out of these valuable reports. And I thought I would insert the apropos of Ms. Massimino's point of the importance of tracking access to these reports. I share with you a very short experiment that we conducted last night. We reconfigured our own servers, and we checked various open proxy servers located inside China. It means, basically, we acted as if our computers were inside China, and then we tried to see if we could access the new State Department report.

Out of six open proxies that we tried, only one granted access at the URL that is listed. Checking 10 minutes later, it was barely loading, and then there was just the title and no content. Of the remaining five, one immediately timed out, which means you get nothing, and four gave error messages, which said Web site not found, and then another error message was incorrect DNS setting, which is misleading and false because obviously the URL has the correct domain name of the State Department.

So the access is possible but sporadic and inconsistent, but we do want to support the point how important it is to link the work of the review of these country reports together with the other reports, that China focus, security commission, the religious commission, and the CECC's reports. I think they tend to together give a comprehensive agenda of issues.

We just gave a quick update off of Google. We did a Google.cn, and put in the Chinese title of the report, the State Department report. And so while the search result for Google.cn, that is the Chinese server for Google, did not block it as a result, you simply get a link. And of course, if you open the link, you will come back to the same problems of the URL not found, et cetera. So that is our quick report on access as of today.

So this is the challenge: So how can we make better use of the State Department report as well as all the other country focus, China focus report? We think that there are some related issues and opportunities, and as has been referred to earlier, we can build upon the multilateral and the bilateral initiatives.

And the newly approved Human Rights Council, let me just take this opportunity to add two points on that. We do see it as a foundation. I think that we are perhaps cautiously hopeful that it will be an improvement, but the test will be whether, how it is used. And I think when we see the election results in, we will see what the new lineup looks like and if it really will be different, or if it is just business as usual under a different name.

Whether it is useful or not would depend on whether there is the political will to effectuate a cultural and institutional transformation that is going to be necessary at the UN, and included in that is, there needs to be some serious reforms about the inclusion of independent civil society voices. So one specific area in terms of what the U.S. Congress and the Government might look at more generally is to reexamine the accreditation rules for independent NGOs. These have been a problem with the commission, and I think that will continue to be a problem unless addressed under the new Human Rights Council.

The human rights issues that are surfaced in these country reports need to be built into all the bilateral engagements. We were pleased to hear the assistant secretary reference his China visit. We think that one way to give the human rights dialogues more traction is, you need clear transparent benchmarks and indicators of progress to ensure results-based dialogues. These need to be announced and made clear in advance.

The newly announced, the Office of Global Internet Freedom and the draft global Online Freedom Act under way, we think those are all integral pieces of a comprehensive strategy on addressing the broader human rights issues, and we urge that they be considered in an inter-related way.

Finally, the Internet Governance Forum, the IGF which is the follow-up entity from the WLSIS which will be the multi-stakeholder group, it is preparing for its meeting; it is accepting comments through the end of March. We hope that the Committee and the Administration will be submitting some comments, and of course, I am sure they will be.

In the time remaining, I would like to draw attention to some specific areas of concern. And this is not to note these areas as omissions but really to offer it by way of contributing to what we see as a shared enterprise; that is, to try to promote greater democracy and openness and protections for human rights in China.

The State Department report identifies a number of areas in which there have been signs of progress or some steps and particularly in the area of legal and administrative reforms. However, we think that the key issues remain, implementation, transparency and accountability for any reforms. When the reforms are announced, we don't know if they are effective; we don't know what is being done.

In terms of the Supreme People's Court's review of death penalty cases, the court has not yet clarified how it will administer its reclaimed power over death penalty reviews. It has transferred hundreds of court personnel to these three new criminal tribunals for reviewing these cases. In 2006, the High Provincial Courts are slated to grant hearings to all these death penalty cases on appeal. These need to be monitored, made the topic of inquiry for meetings, and they need to stay on the agenda. Whether these death penalty reforms will actually help curb wrongful executions will depend on the greater transparency in the criminal justice process in addressing local corruption and bias.

The administrative detention and the administrative reviews that are referenced in the report, the bottom line is, still there is no timetable for or any way to confirm whether there will be a timetable for the Reform Through Labor, the RTL reforms. The pressure should be kept on to urge for the immediate dismantling of all of the administrative detention camps as called for by UN monitors. There is feet dragging and lack of time frames in other areas. These areas include the admissibility. There needs to be a clarification of admissibility of evidence obtained through torture. We summarize how those clarifications might proceed in the written testimony. Another area of feet dragging is the ratification of the ICCPR. China has made repeated representations regarding its intention to ratify since signing in 1998, and there is still no timetable for ratification.

We also note that the UN Working Group on Arbitrary Detentions recommendations, which include the amendments of the criminal law and the criminal procedure law to include a presumption of innocence, clarifying the definition of endangering state security, and creating a clear exception for peaceful exercise of rights, all of these recommendations have not been implemented.

With respect to the one-child population policy, these coercive practices continue to be documented, and these violate fundamental human rights of health, choice, physical autonomy and the right to be free from physical abuse. They also perpetuate gender discrimination. So the one-child population policy needs to be viewed within the broader context of the situation of women, over 629 million; that is almost double the population of the whole U.S. So when we talk about violence against women, discrimination against women, trafficking in women and girl children, and the discrimination in health, employment and education, we are talking about a population roughly double the size of the whole U.S.

Finally, information control. I won't go too much into that because we have had extensive discussion before this Committee. And what I think we will just underscore there is that something that is so obvious and ironic and yet is not grasped is that, in the 1950s, during the great leap forward, this is when there were great famines and people started starving to death, massive starvation and suffering in the 1950s, the local cadres painted the tree trunks of these trees that had been stripped naked of bark by starving people. They painted them brown so that when Mao made his trip through the south, rather than seeing the evidence, the facts of the starvation, they instead saw painted trees. And in some sense, it is very sad that, in 2006, the Chinese Government has still not learned that lesson, and that what is achieved by curtailing the freedom of expression and access to information, the government is in fact undermining the very civil society necessary to effectively address these complex social and economic issues.

On the ILO ratification noted in the report, we would add that neither of the core conventions on forced labor, which implicates prison labor, and the right of workers to organize have been ratified, and that migrant workers are especially vulnerable. Systemic and individual labor abuses remain serious, and the ratification of just another international labor rights instrument is an important step, but it highlights the need to examine China's overall record of cooperating with international mechanisms, and that record is not very good.

There is reference to the visit by the UN Special Rapporteur on Torture. We think that the important thing is that the Chinese Government's response to Mr. Nowak's report is not encouraging. Mr. Nowak pointed not only to surveillance by intelligence personnel, he noted a "palpable level of fear and censorship" which he had not experienced in the course of his previous missions. The Chinese Government response was to deny any interference in the visit, and, despite acknowledgement that torture remains a serious problem, it rejected Mr. Nowak's preliminary report as "ill-grounded on the facts and does not conform to reality."

So, in conclusion, thank you for this opportunity to address these human rights concerns that have an impact on 20 percent of the world's population. We also have to remember that China's human rights practices are felt outside of its borders. The global reach of China's trade policies, investments and military aid must be monitored and documented to ensure that there is no deterioration of human rights in other countries; in particular, in Africa and Latin America, where China's presence has been increasing and very powerful. A government that does not respect human rights at home is less likely to respect them when working abroad.

We look forward to your questions. And because we know that time has now run out, we also welcome any written follow-up questions that the Committee may have.

[The prepared statement of Ms. Hom follows:]

PREPARED STATEMENT OF MS. SHARON HOM, EXECUTIVE DIRECTOR, HUMAN RIGHTS
IN CHINA

Thank you Mr. Chairman for inviting Human Rights in China (HRIC) to testify today and for your leadership in tackling the challenges of promoting greater freedom on the Internet.

The 2005 State Department's Country Report on Human Rights Practices is an important monitoring tool for advancing the U.S. government's commitment to promoting the observance of internationally recognized human rights by all countries. Through its in-depth analysis of human rights violations in countries around the world, it will help to ensure that gross human rights violations will not be easily trumped by security and trade agendas.

While noting some positive developments in China, the 2005 State Department's human rights report presents a sobering inventory of the serious and ongoing human rights violations there. Despite improvement in some limited human rights areas, the situation is generally deteriorating and remains serious for NGOs, petitioners, political dissidents, human rights defenders, and others that deal with subjects the Chinese Communist Party (CCP) considers sensitive. By including individual cases, naming rights defenders, activists, and journalists in detention, the report keeps human beings in the picture and does not relegate them to faceless statistics. The detention of one journalist, lawyer or rural activist also has a broader silencing, intimidating and undermining impact on the rights of all journalists, lawyers and rights activists.

Unfortunately, the annual State Department report also underscores the difficulty and challenge of promoting systemic and structural human rights progress under an authoritarian regime that is also a powerful economic and political global actor. An important challenge for the State Department and Congress is how to get more traction out of these valuable reports.

Some related issues and opportunities include:

- Building upon multilateral initiatives and debates underway, including debates on UN reforms and the proposed Human Rights Council;
- Integrating human rights issues into all bilateral engagement initiatives, including trade and security agendas;
- Consultations convened by the Internet Governance Forum (IGF) and preparations for IGF's first meeting in Athens from October 30–November 2, 2006. The IGF is currently accepting comments through March 31, 2006 on the need for a multi-stakeholder group to prepare for the meeting, and the top public policy issues that should be addressed there.

In addition to these general observations and comments, I would like to draw attention to some specific areas of concern:

1. LEGAL AND ADMINISTRATIVE REFORMS

The State Department report identifies several legal and administrative reforms and experiments, including return of authority to the Supreme People's Court to review death penalty appeals, local experiments to record police interrogation, and limiting the administrative detention of vulnerable groups (minors, elderly, pregnant women, and nursing mothers). However, key issues of implementation, transparency and accountability remain to be addressed.

Supreme People's Court review of death penalty cases: The Supreme People's Court has not yet clarified how it will administer its reclaimed power over death penalty reviews. It has transferred hundreds of court personnel to three new criminal tribunals for reviewing these cases. In 2006, high provincial courts are slated to grant hearings to all death penalty cases on appeal. Whether these death penalty reforms will help curb wrongful executions will depend on greater transparency in the criminal justice process and addressing local corruption and bias.

Limiting administrative detention: While important as indicators of greater protections for vulnerable groups, procedural reforms are slow in coming. Despite procedural time limits, individuals can still be detained for up to three years without the right to any kind of hearing. Given the hundreds of thousands in these administrative detention facilities, they must be dismantled as called for by UN monitors. There is no timetable for or confirmation of upcoming national legislation promulgating reforms of the RTL system, although there have been reports of a draft law in circulation.

Feet-dragging and lack of timeframes for other pending reforms including:

- *Clarification of admissibility of evidence obtained through torture:* In May 2005, the Supreme People's Procuratorate announced it would make ending torture and coerced confessions a priority, and adopt a new policy of more vigorous investigations of torture allegations and prohibiting the use of illegally obtained evidence. In Sichuan province, as of May 1, 2005, oral confessions extracted through torture may not be used as evidence. In September 2004 the Supreme People's Court issued a notice saying that evidence obtained

through torture shall not be used as the “basis” for a criminal judgment, *which ultimately still allows for the admissibility of evidence obtained through illegal means, including torture*. Regulations issued by the Hebei provincial government in December 2005 echo the Supreme People’s Court on this point.

- *Ratification of the ICCPR*: Although the Chinese government most recently formed a “special task force” to discuss the ratification of the ICCPR in 2004, China has made repeated representations regarding its intention to ratify since signing in 1998. It has yet to announce a timetable for ratification.

2. THE “ONE-CHILD POLICY”

China has one of the world’s most stringent population control policies, adopted as a national policy in 1979, and codified in the Law on Population and Family Planning in 2001. All states must implement responsible social planning for sustainable growth, and women’s reproductive and health rights are fundamental human rights. However, these state policies must be designed and implemented in compliance with their international legal obligations. Coercive practices, including those that have been documented in China, violate fundamental human rights of health, choice, physical autonomy, and the right to be free from physical abuse, and also perpetuate gender discrimination.

Some developments in China related to the “one-child policy” are a positive step forward, including relaxing certain aspects of the policy, criminalizing sex-selective abortions, introducing pilot programs that remove or reduce the use of quotas, and cooperation with experts at international bodies including the UN Population Fund. However, coercion and human rights violations related to the “one-child policy” continue to be documented. Of particular concern are the disproportionate violations documented against minorities and women living in rural areas. Announced reforms must be supported by documented monitoring and assessment of implementation.

3. INFORMATION CONTROL AND THE CLIMATE OF RISING SOCIAL PROTESTS

As China’s online population grows, the Internet is being increasingly used to express overt political dissent but also to express dissatisfaction on local issues of corruption, media crackdowns, thug violence, and more. The State Department report describes the Internet regulations and restrictions that occurred during 2005. By expanding the definition of “news” to now include a wide arena of commentary, the Chinese government is attempting to centralize and control all China-based Web news reporting.

The debate on Internet censorship in China often tends to focus on the highly visible issues of politics, democracy, Falun Gong, and human rights. However, it must be stressed that online information control in China is much more subtle and pervasive. The regulations promulgated by the government advances the party line, ensuring that history and current knowledge are understood only through a government-sanctioned prism. For example, a recently published list of words monitored by a Chinese blog service provider includes, in addition to political keywords, such phrases as “block the road and demand back pay,” “pollution lawsuit,” and “procedures for dismissing an official”—covering a wide-range of issues that do not necessarily fall into the broad categories of politics and religion, but that are of high significance and impact the lives of ordinary Chinese citizens. The inability to discuss or even read about these issues online seeds and advances a ripple effect of disinformation.

Further, inequality between the rural and urban sectors, migrant and settled populations, men and women, and Han and minority peoples, continues to grow and fuel social protest. Growing poverty disproportionately impacts vulnerable populations, including women, children, migrants and minorities. The Chinese government is beginning to acknowledge the need to address poverty and growing inequality. However, by curtailing freedom of expression and access to information, the Chinese government is undermining the civil society necessarily to affectively address these complex social and economic problems.

4. RATIFICATION OF INTERNATIONAL INSTRUMENTS AND COOPERATION WITH INTERNATIONAL MONITORS

Ratification of ILO Core Convention: While it is commendable that China ratified another core ILO Convention in January this year, this must be viewed in the broader context of the Chinese government’s implementation of labor rights. China has ratified 24 ILO Conventions, but only four of the eight core conventions. Neither of the core forced labor conventions have been ratified, nor have those on the right of workers to organize.

Systemic and individual labor abuses remain serious in China, which have a disproportionate impact on migrant workers who comprise the majority of workers in the southern manufacturing areas. Migrant workers are especially vulnerable because they continue to be excluded from social welfare services such as healthcare and education, as well as protections for workers.

The ratification of another international labor rights instrument is an important step, but it also highlights the need to examine China's overall record of cooperating with international mechanisms. China has allowed the visits of several international human rights mechanisms to visit the country in the past several years. However, cooperation with the terms of reference with these mechanisms, and implementation of their recommendations has been less than satisfying.

The visit by the UN Special Rapporteur on Torture, Manfred Nowak, in December 2005 highlights the lack of political will in the Chinese government to honestly and transparently cooperate with international human rights mechanisms. Mr. Nowak stated in his press release on leaving Beijing that he and his team "were frequently under surveillance by intelligence personnel, both in their Beijing hotel as well as in its vicinity," and a number of individuals were intimidated or prevented from meeting with him. He noted further that, "in his interviews with detainees, the Special Rapporteur observed a palpable level of fear and self-censorship, which he had not experienced in the course of his previous missions."¹

The Chinese government's response was not encouraging. It simply denied any interference in the visit, and despite its acknowledgement that torture remains a serious problem, it rejected Mr. Nowak's report as "ill-grounded on the part of facts and does not conform to reality."²

In addition, the experience of other international monitoring groups has been that China is unwilling to implement recommendations that may improve compliance with international human rights law. After its second visit to China in 2004, the UN Working Group on Arbitrary Detention concluded that few of its recommendations following its visits in 1996 and 1997 had been adopted.

In conclusion, thank you for this opportunity to address these human rights concerns that have an impact on 20 percent of the world's population. China's human rights practices are also felt outside of its borders. The global reach of China's trade policies, investments and military aid must be monitored and documented to ensure that there is no deterioration of human rights in other countries, in particular in Africa and Latin America where China's presence has been increasing. A government that does not respect human rights at home is less likely to respect them when working outside its borders.

MR. SMITH. Thank you very much. I do thank you for making reference, and without objection, I would ask that Mr. Manfred Nowak's full statement be made a part of the record, because I thought his report on his trip dated December 2nd, 2005, as you pointed out, was a chilling report which was summarily rejected by the Beijing dictatorship.

And I note that he went through methods of torture, which I will not recount in nauseating detail here, but it sounds like a horror movie. And he points out about the systemic nature of this horror movie that is occurring in the PRC. And I juxtapose that with what is on the line today by the officials of the Chinese Government about the creation of the new Human Rights Council, and I shudder, because they know that the fix is probably in—I hope it isn't in, but probably is in—that they will again evade the kind of serious and sustained scrutiny that a man like Manfred Nowak, at least in a very small snapshot, was able to bring to bear.

The Human Rights Council, with its majority membership, majority vote to gain membership, and even in reading the language, members on the council, when electing, should take into account

¹Special Rapporteur on Torture Highlights Challenges at end of visit to China," December 2, 2005 at <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?opendocument>.

²Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesman Qin Gang's Press Conference on 6 December 2005," December 7, 2005, <http://www.fmprc.gov.cn/eng/xwfw/s2510/t225189.htm>.

the contribution of candidates to the promotion and protection of human rights. That is so soft and weak, in my view. China, without a doubt, will be a member of good standing on this council when the vote occurs very shortly—the first vote will occur in May—to configure the council. So you can be sure that the same group of rogue nations will take their place to sit in judgment and to run interference. And that, again, causes me great—and I am sure other Members of Congress, a great deal of concern.

This was a golden opportunity to get it right. Maybe we will get another shot at it, but it seems to me that we have failed or the UN has failed miserably. So, again, I would ask that this be made a part of the record because it is a terrible and scathing report.

Let me also point out. It is interesting that we are now increasingly putting online the *Country Reports and Human Rights Practices* in language that are more assessable to those who can use it, the consumers. But because of U.S. technology, especially that of Google and the others who testified recently before our Subcommittee, the State Department is less likely, as you have demonstrated Ms. Hom, less likely to be accessible in these repressive countries. So we will move as aggressively as we can to get that legislation, the Global Online Freedom Act of 2006, to try to begin to counter this.

Let me just ask you about the accreditation issue which you referenced. Were you talking about Taiwan NGOs and Tibetan NGOs when you made reference to that with regards to access to the Human Rights Council? Let me just submit a number of questions because we will run out of time again because of votes.

Mr. al-Ahmed, thank you for your testimony again. I would just ask you one basic question about free and fair elections. We saw what probably was a free and fair election that led to the landslide election of Hamas. But it also begs the question that free and fair isn't the only game in town. The rule of just laws, you might want to speak to that issue, because there could be a trend now where radical elements get elected at the ballot box, and we really have given them perhaps by encouraging that a further mandate to do the injustices that they do.

Let me also ask—I have a number of questions. But if you could speak perhaps, Ms. Massimino, on some African countries that I wanted to bring up earlier but we ran out of time. With regards to Zimbabwe, Congo and Sudan, these are places that are finally at long last getting the kind of focus needed, but we still need more action. Congo seems to be an area where there has been horrific loss of life. There is a UN Mission there, but not enough action on the part of the international community to try to mitigate that tragedy.

So I have many specific questions, but time is now working against us. So if we could begin with some answers.

And finally, Ms. Shea, you mentioned the fact that we are not doing enough to help the minority Christians in Iraq. Could you elaborate on that, or anyone else who would like to as well? You know, that is an answer we should have put to our previous witness. But, Ms. Hom, if you could begin.

Ms. HOM. Just quickly on the accreditation issue. NGOs are accredited according to ECOSOC rules. And under the rules, these

also extend to UN meetings beyond the standing bodies. And what we have seen both in the case in human rights in China, which the Chinese Government vociferously, vein-popping, opposed when we applied in 1999 and successfully blocked our accreditation then. But then it continued to try to block our accreditation at UN meetings. So the World Conference Against Racism, the World Summit on the Information Society, they blocked.

Not one Taiwan NGO when we did a survey was accredited to the world summit, not one Taiwan NGO that applied, because we wrote to them and asked them: We saw that you applied. Did you get accredited?

Of the Hong Kong NGOs, only the Hong Kong NGOs that were approved and were part of either—in some kind of a joint project or something like that.

So we think the process needs to be much more transparent. The governments who object to a particular, challenge an NGO, should be asked and must disclose publicly the basis of their objections. And it has to become less politicized, and the NGOs, the challenged NGOs should be afforded an opportunity to publicly address those concerns. That is not what we have seen. We have seen it is all behind-the-door-maneuvering, and that when China raises an objection, it is very difficult for an NGO to have a voice. So they are not only silencing civil society voices at home, they are extending the tentacles to international meetings, and I think that is a travesty. And that is what needs to be ensured, that that does not happen at the Human Rights Council, is that we have an inclusion of a greater diversity of independent voices.

Mr. AL-AHMED. Yes. I think it is strategic for the United States and the powerful countries to maintain the diversity in the Middle East by protecting non-Muslim and non-Arab minorities, different religions and different ethnicities, and this will help make that region a better place. We need Christians and Jews in that region. We need Blacks and all those indigenous people who are there. Not only Arabs live in that part of the world.

The elections were a big problem, and I had a talk with the State Department when I told them before when they announced the election. I said, "You must call for women's participation." Unfortunately, they didn't heed that advice. And women were excluded. And I told them that a year before the government said they will not allow women. If women had voted, if women had taken part in that election, we would have a better result than now. We would have had much more moderates elected.

Also the system of election was designed in a way to allow those who have the small majority, or the small plurality, to take all the seats. And this is what happened in the area. There are other voices who are moderate and liberal and want democracy and freedom and all those things, but they were blocked through the system. And, unfortunately, the United Nations assisted in these elections, and I myself traveled to New York and spoke to them about it. And they said, this—actually, this is the political office of the United Nations and their election unit. And I said, this is against your mandates, against the charter and against the universal inclusion of human rights. How could you participate in a discriminatory election if Blacks or Shiites or other groups were deprived

from this voting and running for office? This is illegal. And, unfortunately, they just shrugged their shoulders, and they said, we can't do anything for you.

So, another thing is on the issue of Americans. Not only the Saudi Arabian Government banned Americans from religious service, but also they banned them from importing Christmas trees, from celebrating the 4th of July and those nonreligious issues. Secular American national holidays, Americans are not allowed to publicly celebrate them or are covered in the Saudi media, which is controlled by the government. And in fact, 400 Indians last year were arrested because they were celebrating a rain festival which is celebrated by all Indians of different religions because they were celebrating something that Saudi Arabia does not approve of. Thank you.

Mr. SMITH. If I could just echo the priest that married my wife and I, Father Vince Inghilterra, was the head chaplain during Operation Desert Storm. And he could not even celebrate mass. He had to give it a different name, and he had to cover up the cross that was on his lapel. There we are in Saudi Arabia protecting Saudi Arabia from what was expected to be a roll-in by Saddam Hussein, and even in that situation—I raised it with the—and I wasn't the only one—with the government at the time and got promises of looking into it and never got much more. So your point is very well taken. Thank you.

Ms. SHEA. Regarding what the United States could do in Iraq for the Christians and the smallest minorities, as I said in my testimony, the KDP is reported to have confiscated millions of dollars of Christian property in towns such as Derey, Coumaney and Maristak. The United States has a lot of leverage with the Kurds, with the KDP. We need to use our diplomatic assets to exercise that.

Similarly, these minorities are preyed upon by the Mahdi extremists, the Mahdi militia extremists. The Shiite leadership should be called together, those that we do have relations with, and tell them to stop the mayhem with these, targeting these particular groups because they are not conforming to Islamic dress or Islamic behavior.

And then the second thing would be, we give so much money in reconstruction aid. These minorities do not get it the way we have structured it, and they don't have a say in it. Their civil leaders, their mayors need to be consulted about how and what gets reconstructed in their villages, because that will create the havens that they need, the strong safeguards within their ancestral villages or maybe some other area that is designated as a haven for them.

And then, third, the Constitution. The Constitution really leaves open how inherent conflict between the supremacy of Islam, no law can contradict Islam will be interpreted vis-a-vis the individual rights. So that is something that the United States should help ensure that the enabling legislation for these guarantees are in there, for religious freedom, which may in fact be undermined by other contradictory language, negated by other contradictory language in the Constitution, that those rights are secured for these minorities.

Ms. MASSIMINO. Thank you. I am going to have to get back to you on the Congo, but I would be happy to answer that in writing later.

On Zimbabwe, a true human rights disaster area. What else can be done. The United States has worked as hard as it can, I think, to pressure Mugabe, and I think what we need to do now is focus pressure and attention on the South Africans to take the lead. The United States seems to have very little leverage with Mugabe, and it is going to have to come I think from the South African Government. So our focus ought to be there, I think.

In Sudan, of course, we have heard a lot about that already today. We very much appreciated the efforts by the United States during the month of its presidency at the Security Council to try to move this forward. We are urging the Administration to press for a high-level envoy at the UN, an envoy that the U.S. can strongly support to refocus attention on the diplomatic process. Secretary Lowenkron mentioned, I think in the context of Russia, the bellwether, that what happens to human rights defenders can give us a view of what is going to happen later.

In Sudan, the group we work with most closely, SUDO, whose director was recently in the United States and who we gave our award to at our annual dinner last year, has just been closed down and their property confiscated. So they no longer will be able to do their humanitarian and development work.

The U.S. commitment—I believe that the Administration is committed to trying to make a difference here, and the question is, how? We are hopeful that the appointment of an envoy at a very high level with the support of the United States could help make a difference in refocusing the world's attention and solving that problem.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. At a meeting this morning that I might have mentioned earlier with the President and the Vice President and Mr. Zoellick and Mr. Andrew Card, we raised a question of a special envoy. This Administration has said that they prefer working without special envoys; it is not a practice that they have done too much from. But we do believe that, with a high profile person like Senator Danforth, when the comprehensive, the CPA was being negotiated, did have a personal focus strictly on that. We know that Mr. Zoellick is handling that and is doing a good job or as good a job as I guess he can. But we do believe that someone who, a high-profile person, a person with credentials, could really—maybe even a Colin Powell type that would get some attention, I suppose, and a little respect, could be the type of person that you would need for a special envoy. And we have recommended that in the Darfur Accountability Act, that a special envoy be appointed. And hopefully—and the President said that he was not close-minded to that, which was positive. However, the new special envoy would have to really focus on Sudan in addition to taking the CPA which is being violated. You know, Sudan troops are still in the south. They are not negotiating on the disputed territories, they are not—they are not sharing the revenue with the south yet. The sentiment in Nairobi about 2 weeks ago with the head of the Central Bank of Southern Sudan, they had not gotten

any money yet. And then there is also a question of how you really verify the numbers anyway in the first place. And then there is another twist that the Government of Sudan has brought in to say that, well, internal consumption should not be counted; you know, that should be taken off the books. I mean, oil produced is oil produced regardless of whether you use it internally or whether you sell it externally. So there is total noncompliance with the CPA, so I think that a special envoy would be very important. I couldn't agree with you more. Also, we are going to—eventually, the east is going to break out, as you know. That is another area that has been neglected in Sudan, and so that will have to be addressed also.

Let me ask you, Ms. Shea. You mentioned about northern Uganda. And I agree, this is a situation that has gone on too long, and we discussed just the other day with the Chairman, as soon as we can get some time we are going to have a hearing on northern Uganda. I mean, it has gone on for 20 years, as you know. And I think that we need to pressure the government. We have gotten great results from the Government of Uganda on HIV and AIDS. They have been the model country in Africa to look at. As a matter of fact, they have a decreasing number of new cases, which is probably the only place in the world that this is occurring, and economic development. They returned land back to Asians who were expelled under Idi Aman and have taken the World Bank's, you know, reduction in government workers. They have done everything right, except it seems to not be putting the attention on the Koni and the Lord's Resistance movement, although they did agree to allow the ICC to come in. What would you suggest more that we could do as relates to that issue?

Ms. SHEA. Well, you know, I think we need to start thinking of how to stop it. I mean, there is talk about putting diplomatic pressure and humanitarian assistance to help the victims and so forth. And that is all important, but it is not stopping it, and they continue to have more victims literally every day. In fact, the gentleman who was here from Sudan with his mission told me that he got a call from Southern Sudan today, and that one of his workers was raped last night by the Lord's Resistance Army there in Southern Sudan. So, obviously, we have to keep the pressure on Khartoum, because they have been harboring it and supporting it, as you pointed out earlier, and on Uganda. But I think we have to start thinking creatively.

It is just so striking that the numbers are so parallel to Darfur, and we are talking about bringing NATO into Darfur now. We should be treating this as one big problem. You know, there is this nexus of Khartoum in each of these, the east, the west, the south, and then now the Ugandan border. I mean, how much are we going to seriatim try to deal with each of these problems? It is—I don't know. But I think that everything has to be on the table at this point because it is too hideous to ignore. These are children. These are people who are trying to reconstruct in Southern Sudan now and trying to get back on their feet, people in Uganda who are victimized. We need to have everything on the table.

Mr. PAYNE. And access spreading through, having an impact in Chad and now to Central Africa Republic, which is very fragile in the first place.

Mr. al-Ahmed, you mentioned the role of the Muslim world, particularly the Arab nations, and the fact that they have not really been involved in trying to have a question of the genocide. And are there, in your opinion, are there similar situations in African countries that the Sunni, Black African Muslims might be persecuted by the government, maybe Mauritania or some of the other countries where you have the sort of Arabic north and the Christian south? Are there any other examples similar to what we are seeing happening in Darfur and other countries in Africa, in your opinion?

Mr. AL-AHMED. There is not the same scale of discrimination and mass murder. But in Egypt, for example, a recent Nubian poet wrote, criticizing the marginalization of Blacks in Egypt, and the response, not by the government, but by the Writers Association, was to eject him from that association for simply criticizing the fact that Blacks—not only in Egypt but in the Arab world—are marginalized and depicted as substandard people. And that is why there is a cultural and societal discrimination in addition to governmental.

You know, for example, in countries like Egypt or in the Gulf, when was the last time you saw a famous Black person? And that is true also in northern Africa, from Mauritania to Libya. These are indigenous people. They are not from the moon. They are from Africa, after all. But that is the reality, is that there is a societal problem. I can name one religious leader who went to Darfur and came back, Mr. Yusef Qaradawi, and said, this is all a thing, there is no genocide. It is a whole conspiracy. And he gave the Sudanese Government a clear record of Darfur. And that, of course, affected a lot of other writers who also said Darfur is a part of a Western and a Zionist conspiracy, and there is nobody being killed there. And of course, that is happening with the encouragement of mostly United States allies like the Government of Egypt and the Government of Qatar. And I recently wrote an article that I called, "The Moral Crisis Regarding Darfur"; that it is not only the government but people who are religious leaders who should be above all of this, who should be defending. After all, religious leaders of all religions have the responsibility before God to protect God's people, no matter what their color, ethnicity or religion for that matter. And, unfortunately, I have not noticed a single article in the Saudi press about Darfur and about what is wrong in Darfur. That shows you the extent of the coverup and silence in that region. And that happens for Al Jazeera or all the U.S. allies mostly, they cover up and sometimes encourage that issue, that persecution of Black people.

Like in Saudi Arabia, we have about a million Blacks who are not allowed to take leave. Unfortunately, in fact, the Saudi religious curriculum still encourages slavery, and its very official. It is in the books, and very soon, hopefully, we will cover that issue and will show you that this is depiction of Black people and slavery continues officially and sanctioned by the state not only in Saudi but also in the region.

Mr. PAYNE. Thank you very much.

I know Mauritania had the same problem. And as I tried to explain, in some instances, that it is a sort of a servant-master situation regardless, even if some of the Arabs are of dark complexion, they still say, we are Arabs and they are Africans, and it is still the mentality even though some of the skin is dark and black even, in some instances, even in Sudan. This inculcation over the years of the Arabs who, of course, were the main slave traders, you know, during this 400 years of slavery in Africa, they were the ones who were the merchants and who did both the east and the west where Africans went into the Middle East and into Saudi Arabia and that way, and of course, the others came to the United States and South America. So we do have that issue. Many people were surprised when, in Darfur, the government attacked the Darfurians, who are very—as a matter of fact, Darfurians were probably the largest recruits in the army of the Government of Sudan who fought against the South Sudanese Liberation Movement. And people are very surprised. Of course, poorer people usually fight wars wherever they are; so the foreigners being poor, being marginalized, being those with less rights in every country, even the United States, those are the people that join the army because that is where you can be all you can be, they say. You know, you can't be all you can be in the banking system or in the education system or whatever, but you—it is a great slogan. I say, well, why does only the army say, be all you can be?

But be that as it may, in each country you tend—the Hessians used to fight for the British in the Revolutionary War. You know, the very wealthy Brit didn't want to go fight, so he bought a Hessian from Germany, and they fought. So not much has changed so far, but I would be interested in some continued dialogue with you on this issue, because it has been a concern of mine for many years, and I would like to follow up with that.

Mr. AL-AHMED. If I may add. That culture of slave and master continues not only against Blacks, but also against mostly poor expatriate Muslims in Saudi Arabia. And that was a clear example of what happened this past year with the Indonesian maid, Nour Miyati, who was tortured for a whole month by her Saudi employers, and her hands and feet were severed due to that torture. After that happened, the employers were arrested, and it was reported in the media. But in a twist, in a strange twist, that shows you how the government is also part of this culture, Nour Miyati was arrested, and from her hospital bed, when she lost her feet and hands and sight in her right eye, and she was arrested because of lying, because she was charged with lying about the torture and that she caused this, not the employers, and they were allowed to go, to walk free. Her name was used; their name was not made public. So here you have a person who was a victim of torture for a whole month and lost limbs and eyesight being called a criminal and the criminals are walking free.

The same thing happened with an Indonesian Muslim who was ordered his eye gouged out—and this is the only country in the world where eyes are gouged out—because a Saudi attacked him and, in the process of the Saudi attacking him, injured his eye and lost his eyesight. So the Wahabi judges there consider Saudis, especially from their tribes, to be superior to anybody else and that is

why that Indian person was about to have his eye gouged out. Except for the Human Rights Watch wrote a letter to King Abdullah, and what happened, he was so lucky. Abdullah was going to India after this happened, so Abdullah intervened and stopped the eye gouging. But this has happened even to Saudis where eyes have been gouged out in public.

And one of the things that concern me immensely is the public beheadings in Saudi Arabia, using especially barbaric methods like swords and so on. I hope we can all stop it.

Mr. PAYNE. Well, thank you very much. It is something I think we need to really pay more attention to. And I really appreciate your information and comments. Thank you.

Mr. SMITH. Thank you very much. We are out of time because of another series of votes. But I would like to ask maybe one or two questions, and then as we leave, Sheri Rickert will close down the hearing at the conclusion, and we will have to go back and look at the record to see what you said. But, like Mr. Payne, I have a number of questions on Ethiopia, Belarus, Cuba, Sri Lanka, where we know that there is a dangerous trend on repressing religious freedom. But I would like to ask, if I could, Ms. Hom, if you could answer the question: The human rights report regarding China notes the harassment of defense attorneys. And it is an issue that we have raised a number of times in a number of countries, including in Northern Ireland where defense attorneys, including one who testified here—Rosemary Nelson was gunned down after telling us here that she was in the cross-hairs of the RUC. So nothing has more of a chilling effect on defense attorneys than official harassment or collusion as in that case.

We understand that some 500 defense attorneys have been detained under Article 306, which makes a lawyer guilty if his or her client is found guilty of perjury. If you could speak to that issue, because that to me says something about the rule of law. If the defense attorneys become just an adjunct of the state or of the prosecution team, you don't have defense attorneys. And if, on any of those other issues and any concluding statements, you would like to make, because I know I will and Don will look at the record to read your answer. So regrettably we do have to run, but if you could answer that.

Ms. HOM. The All China Lawyers Association has reported that at least 500 lawyers have been detained. And that particularly raises very serious concerns, because in 1997, with the new criminal procedure amendments, were supposed to ensure greater due process protections, including access to a lawyer, right to cross-examine witnesses, right to even see the evidence. All of these procedural protections, most importantly having that right to a lawyer, were part of pieces.

We did a 3-year study, called Empty Promises, which is available online, and I can also submit it to the Chair; it is being updated now. We tracked for 3 years after the amendment of the criminal law to see if in fact these protections were implemented. And individual cases—and we tracked a whole bunch of individual cases. And of course, it is not a surprise to anyone, none of—in the vast majority, these rights were not.

So what needs to happen with respect to the lawyers is that greater attention has to be given to the plight of these defense lawyers. And we should point out that they are not criminal defense lawyers. They are lawyers who have taken on criminal defense in particularly sensitive cases. In many of these cases, there is no criminal defense bar. These lawyers are maritime lawyers, commercial lawyers, corporate lawyers. They take on these sensitive cases because they really believe that these petitioners, these charges of corruption, these environmental abuses, all of these, the stealing of public land, the taking of those oil fields, they take these cases because they really believe they need to be represented. Gao Zhisheng, the lawyer who now has a large group of hunger strikers supporting him, it has moved to a stage where the lawyers are not only are in detention, but now people are trying to support the lawyers, and you have come full circle with that.

So I think a couple things that could be done on the multilateral international stage. The International Commission on Jurists, the Special Rapporteur on The Independence of Judges and Lawyers, we have raised this issue. The previous Special Rapporteur on the Independence of Judges and Lawyers made the comment that he thinks there has been great progress in China and didn't feel that a mission was in order. We feel great pressure needs to be put on that. There is clearly not great progress made. So those are the other places that the United States, in terms of engaging in the multilateral processes, can urge admission on those issues.

The second thing is, in the United States, more domestically, I think the bar committees needs to get much more effective. The local bars, there is a local of sister relationships like the Beijing Bar has a sister relationship to the New York Bar and the Shanghai Bar, and et cetera. And then the American Bar Association really needs to investigate and start speaking up. To date, the Shaanxi bar has expressed concerns, and the committees that I have sat on have been trying to address this, but we really need it from the bar associations, from the international community, from the U.S. Government. Because if the defenders of the defenders are being intimidated and attacked, you can just see that talking about rule of law becomes really a joke.

Mr. AL-AHMED. In conclusion, I say that Saudi Arabia has a long list of human rights abuses that affects all citizens of all different backgrounds, religious and ethnic and regional, and they include the absence of religious freedom and basic human rights as well as the deprivation of women of their identity and status as human beings, their inheritance and treating them as property more than a human being, including the absence of freedom of expression. There is no free media in Saudi Arabia. There is a large number of cases of the Saudi ruling family stealing land from regular citizens, and the citizens have no way of addressing that in court or before government.

There is also wide power in the hand of the government, including the members of the ruling family, to beat and arrest members of the public indefinitely and commit human rights abuses against them. Saudi Arabia is an essential country in the world because of its energy sources. So improving human rights and allowing democracy to flourish in that country is essential not only to the people

of Saudi Arabia but also to the stability of the region and to the world and to the flow of that energy to the world. Thank you.

Ms. RICKERT. Thank you very much. On behalf of the Chairman I would like to thank all of our witnesses for your participation this afternoon. Your testimony and your insights have been very valuable. And this hearing is now adjourned. Thank you.

[Whereupon, at 5:28 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE JAMES A. LEACH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Corrie Family Objections to State Department Human Rights Report

- OBJECTION 1.** "Some observers continue to raise questions concerning whether the investigation was thorough, credible, and transparent" (2005 Report)
Which replaced the words "The Corrie family believes that the investigation was not thorough, credible and transparent" (2004 Report)
- OBJECTION 2.** "IDF investigations" (2004 & 2005 Report)
Which replaced the words "The IDF conducted two investigations" (2003 Report)
- OBJECTION 3.** "an Israeli bulldozer clearing land" (2003, 2004, 2005 Reports)
- OBJECTION 4.** "U.S. officials who have seen the IDF report found inconsistencies among the statements of those observing the incident." (2005 Report)
Which replaced the words "U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses." (2004 Report)

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- OBJECTION 1:** "Some observers continue to raise questions concerning whether the investigation was thorough, credible, and transparent" (2005 Report)
Which replaced the words "The Corrie family believes that the investigation was not thorough, credible and transparent" (2004 Report)

The Department of State needs to continue to stand behind the Department's own analysis regarding the inadequacy of the Israeli investigation, rather than attribute those words either to "some observers" or to "the Corrie family." Furthermore, the current 2005 statement leaves question as to "whether" or not the investigation was thorough, credible, and transparent. In reality, the State Department stated "without equivocation" that this standard was not met. Numerous nationally and internationally recognized human rights organizations have also stated that the Israeli investigation was insufficient and the Human Rights Report is by design, required to examine and reflect such evidence.

DISCUSSION POINTS: In this, their own Human Rights Report, the Department of State fails to include their own assessment of the Israeli military investigation as articulated in official State Department correspondence of June 11, 2004. In that letter to the Corrie family, Mr. Larry Wilkerson, Chief of Staff to Colin Powell, writes that he can say "without equivocation," that the department does not consider the report on the Israeli military investigation into Rachel Corrie's killing to reflect an investigation that was "thorough, credible and transparent" as was promised to President Bush by Prime Minister Sharon in March 2003.

Your ultimate question, however, is a valid one, i.e., whether or not we view that report to have reflected an investigation that was 'thorough, credible and transparent'. I can answer your question without equivocation. No, we do not consider it so.

Larry Wilkerson -- June 11, 2004

In testimony given on March 17, 2005 before the House International Relations Subcommittee on Africa, Global Human Rights and International Relations, Congressman Adam Smith (D-WA) referenced Mr. Wilkerson's statement and its omission from the Human Rights Report and also asked the DOS spokesperson, Ambassador Kozak, to respond:

Statement of: Congressman Adam Smith (D-WA)

"... and the key point of all of this is the contrast between that statement [the Wilkerson statement] and what is in the Country Reports on Human Rights. The Country Reports on Human Rights describes the incident and says that 'the Corrie family believes that the investigation was not, thorough, credible, and transparent and continue to pursue the case,' and that is absolutely true, but it also leaves the impression that they are sort of on this lonely quest in which it is just their opinion. What Mr. Wilkerson said sort of makes it clear that that is not the case.

[He rereads Wilkerson's statement]... That was from our own State Department. In the interest of accuracy, that probably should have been reflected in the Country Reports to make it not appear that it was simply the Corries that felt this way. It is a legitimate issue to be raised..."

Response of: Ambassador Michael G. Kozak – U.S. Department of State

...I want to make clear, though, the relationship between this report and what the State Department does overall in cases of this kind, or other cases. As you will note going through the report, there are all kinds of incidents described in here about which the U.S. has said a lot, done a lot, sometimes privately, sometimes publicly, sometimes with press statements, and sometimes with legislation passed by the Congress. We do not describe in the report what we did about something. So, if we describe the situation in Belarus, we do not say, "and the United States passed the Belarus Democracy Act and put on these sanctions." We do not write that we made a statement at a press conference, or something like that. So what I want to be clear is that we are not saying that only the family had concerns about the process in Israel and that we were disassociating from that. The statements that were made by Mr. Wilkerson have been made by other State Department officials and by our Ambassador to the Israeli Government. Those statements stand absolutely valid: there is no walking back from them.

Ambassador Kozak's statement was reassuring in its forceful reiteration that the Wilkerson statement remains the U.S. Government's official position regarding the inadequacy of the Israeli investigation. **It is clear that Prime Minister Sharon's promise of a "thorough, credible, and transparent investigation" into the killing of American citizen Rachel Corrie was never fulfilled.**

However, Ambassador Kozak's statement is still concerning in light of the logic he used to explain the withholding of the Wilkerson statement from the Human Rights Report. It is clear that in its context, the Wilkerson statement is not an action. It does not describe steps taken on behalf of the U.S. Government or its officials. Unlike the example provided regarding Belarus, the Wilkerson statement does not describe an act of Congress, form of sanction, or other punitive and politically persuasive measure, all which could be reasonably and rightfully categorized as examples of "action steps." Our family would welcome any such action steps by the U.S. Government in Rachel's case. However, action steps generally follow critical analysis. And the Wilkerson statement is clearly an example of such analysis.

Department officials, including Ambassador Kozak, have asserted that the report does not include statements regarding what our officials have said or done. However, looking back at the 2004 Human Rights Report statement regarding Rachel (see "REFERENCE" Paragraph "C") you can clearly see that the report already did include the actions and observations of U.S. officials as follows:

"U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses."

If the Department felt that the administrative guidelines of the report allowed for the inclusion of the statement above, showing the actions and observations of U.S. officials, we must then ask why it is that the Department did not feel these same guidelines provided the flexibility to include the Wilkerson statement?

Ambassador Kozak's testimony makes it clear that Mr. Wilkerson's statement is not as benign as being simply something an official has said or done. Rather, the Wilkerson statement is an analysis that came from the highest levels within the Department of State and is still maintained by the U.S. Government as being an accurate reflection of the facts of the case as known. **This analysis is exactly the type of information that should be included within the Human Rights Report. Withholding such analysis from the Country Reports is misleading and clearly distorts the facts of the case.**

Rachel's case does represent somewhat of a unique situation, in that she was an American citizen and therefore many of the exchanges following her killing occurred directly through diplomatic discussions between the United States and Israel. In this context, the analysis of United States officials plays an even greater role. As Rachel was an American, the United States government should have held the chief diplomatic role in

advocating for Rachel's rights and for the interests of justice to be served in her case. This is somewhat different from the example of Belarus where the human rights "victim" and the human rights "offender" both fall outside the direct purview of the U.S. Government. The United States was more than simply a casual and outside onlooker in Rachel's case. It played an active role. If the Department feels constrained in its ability to express straightforward analysis of a case within the Human Rights Report, particularly in a case involving one of its own citizens where it had greater access to information and direct involvement in proceedings, how can it defend its positions in other international human rights cases where the Department's knowledge of events is limited and rests more directly in the hands of third parties?

Additionally, the State Department's Human Rights Report by design, is required to examine and reflect information from nationally and internationally recognized human rights organizations. The paragraph regarding Rachel, has utterly failed to consider these sources.

In the March 17, 2005 hearing of the House International Relations Subcommittee on Africa, Global Human Rights and International Relations, Chairman Chris Smith's (R-NJ) requested that Mr. Tom Malinowski of Human Rights Watch speak to the issue of Rachel Corrie. Mr. Malinowski responded:

"We agree that the Israeli investigation was insufficient."

In June of 2005 Human Rights Watch published a 122 page report titled *Promoting Impunity: The Israeli Military's Failure to Investigate Wrong Doing*. This report substantiates the lack of a credible investigation into Rachel Corrie's death while also throwing critical light on the overarching failed process of Israeli military investigations in general. Human Rights Watch states:

"the impartiality and professionalism of the Israeli investigation into Corrie's death are highly questionable."

Amnesty International has also repeatedly made statements calling into question the results of the Israeli investigation and appealing for an independent investigation to occur.

"Observing the one-year anniversary of the killing, of Rachel Corrie, Amnesty International USA (AIUSA) today renewed its call for an independent investigation of her death. ... Amnesty International believes prior investigations—conducted by the Israeli Defense Forces (IDF) — failed to resolve contradictions between the official IDF position and eyewitness testimonies. While the U.S. government has assisted in the investigations into the cases of U.S. citizens killed by Palestinian armed groups, it has failed to do so in Corrie's case, raising the appearance of a double standard."

Press Release: Amnesty International – March 19, 2004

A year later, in a press release of March 16, 2005, Amnesty again reiterated the concerns mentioned above while adding,

"An American citizen was killed two years ago and the U.S. government notes the inconsistencies in the reports to date, yet it has failed to insist on a thorough, fair, and impartial investigation. ... Secretary Rice should demonstrate a willingness to act on her Department's conclusions by promptly supporting a new inquiry with the assistance of U.S. law enforcement agencies."

Marty Rosenbluth - Amnesty International USA (AIUSA)

In a March 19, 2003 meeting of the United Nations Security Council (58th year – 4722nd Meeting), President Mr. Traore' stated that "There are disturbing reports that the force used by Israel was excessive and at times indiscriminant." He then went on to list several examples, including Rachel's killing which had occurred earlier that week. He concluded by calling again on the Government of Israel to among other things "...conduct a robust investigation of each and every civilian death caused by Israeli military activity."

This month (February 2006) the Palestine Center for Human Rights (PCHR) and Front Line International Foundation for the Protection of Human Rights Defenders published: *Frontline Palestine: Arbitrary Detention, Restrictions on Movement, Threats, Harassment and Other Forms of Intimidation of Human Rights Defenders in the Occupied Palestinian Territory*:

"The cases of Tom Humdall and Rachel Corrie illustrate the killing and impunity culture which permeates the Israeli military. They also serve to illustrate the way in which external pressure, from the families of victims and significantly, foreign governments, can have an effect on the actions of the Israeli military-political complex. In the case of Tom Humdall considerable pressure was placed on the Israeli authorities by the British Foreign Office and this, combined with the tireless campaign organized by his family, seems to have had some impact in the progress of a case against one soldier. In the case of Rachel Corrie's death there has been a lukewarm to lacklustre response to the killing from the U.S. State Department"

OBJECTION 2: "IDF investigations" (2004 & 2005 Reports)

Which replaced the words "The IDF conducted two investigations" from (2003)

The Human Rights Report should drop reference to multiple investigations as there was never more than one investigative process. In addition, as stated in "OBJECTION 1" the report must qualify the insufficiency of the single "investigative" process that did occur.

DISCUSSION POINTS: The 2005 Human Rights Report continues to refer to "**IDF investigations**" which infers that multiple investigative processes occurred. The Department of State documented in writing that the results of the Command Report (sometimes referred to as the "first investigation") were "unsatisfactory." It was then orally indicated to the family that we should not consider this the investigation. The Command Report is a report that is compiled by the military commanders directly responsible for the actions of the IDF unit involved in Rachel's killing. Only the direct military involved in the incident are interviewed, no eyewitness statements are taken, and there is no attempt to justify discrepancies in any of the military testimony or evidence. Furthermore, this report becomes the starting point and initial building block of the Military Police Investigation — and therefore for all practical purposes is part of the same single investigative process. This report, a power point presentation, shows no evidence of being the result of any investigative process and, therefore, should not be classified by the Department of State as such. The term "investigations" deceptively leaves the reader with a feeling that much more independent scrutiny was used in reviewing evidence than actually occurred. The Human Rights Watch report *Promoting Impunity* illustrates in detail the problems associated with this process:

At the heart of the problem is a system that relies on soldiers' own accounts as the threshold for determining whether serious investigation is warranted. Instead of initiating impartial investigations in such cases, the IDF relies on operational de-briefings, which Israeli officials have misleadingly referred to as "operational investigations," "field investigations," or "military investigations." The frequent discrepancies between IDF accounts of civilian deaths and injuries, on the one hand, and video, medical, and eyewitness evidence on the other hand, is the result in part of the IDF's practice of asking soldiers to "investigate" other soldiers from the same unit or command, without seeking and weighing testimony of external witnesses. Exculpatory claims of soldiers are taken at face value, at best delaying and at worst foreclosing a prompt and impartial investigation worthy of the name. So-called "operational investigations" may serve a useful military purpose, but they do not constitute proper investigations: they are wholly inadequate to determine whether there is evidence of a violation of human rights or humanitarian law, and they serve as a pretext for maintaining, incorrectly, that an investigation has taken place.

Human Rights Watch – Promoting Impunity

When our family raised concerns over the term "investigations" in a meeting with DRL staff, we were told that the Country Reports uses the word "investigation" frequently, but this does not necessarily mean they consider such investigations to be credible. Our family firmly rejects this logic. In Rachel's case, the State Department has already acknowledged that by our own U.S. standards, the investigation was not thorough, credible, or transparent. It is one thing to use the term "investigation" if the Department does not have any information to

qualify that term. However, if the Department has access to qualifying information and fails to disclose it, they are effectively and knowingly perpetuating false information. In Rachel's case, inferring there were not just one, but multiple investigations without qualifying the lack of credibility in that term clearly is misleading. If this is the standard practice of the Department in compiling its Human Rights Report, it should cause the quality and reliability of the entire report to be questioned. It also promotes acceptance of the idea that international cases have been appropriately investigated when in fact, they were not. This in turn, weakens pressure to properly investigate and ultimately impedes due process and the likelihood that justice will be served. This should not be a practice that the U.S. State Department promotes.

OBJECTION 3: "an Israeli bulldozer clearing land" (2003, 2004, 2005 Reports)

The Human Rights Report should remove the reference to "clearing land" or clearly articulate that there is discrepancy in the perception of the IDF intent on that day and that the Nasrallah home was eventually demolished by the IDF.

DISCUSSION POINTS: The 2005 Human Rights Report continues to refer to an Israeli bulldozer "clearing land" in Rafah in the Gaza Strip. According to eyewitnesses, the IDF was pushing on buildings and a wall that day. Rachel's actions clearly indicate that she believed the home was being threatened. Without a thorough, credible, and transparent investigation, there is no ability for the State Department to objectively characterize the intent behind the IDF operations.

In evidence of this, we submit the following two photos, taken March 16, 2003, on the scene prior to Rachel's killing. These photos were taken by international peace activists and depict some of the actions of the bulldozers that day. The Nasrallah house can be seen nearby in the background. Such activity so close to a civilian home can hardly be classified by the Department of State as the benign "clearing of land." It should be noted that the Nasrallah house once stood in the middle of a block, with houses on all sides. The previous demolition of those houses left the Nasrallah home exposed to the border area.





*Note: If, due to faxing or printing the photos in this document are not clear, U.S. Officials should request photo copies from the Corrie family. Originals were taken in color.

While the intent of the IDF has not been conclusively determined for that day, the overall intent of the IDF policy regarding the home was indisputably made clear in October 2003, during "Operation Root Canal," when the Nasrallah family was forced from their home and in subsequent IDF actions, when the home was fully demolished. Given these findings, certainly the IDF acts should not officially be described by the State Department as the benign "clearing land."

OBJECTION 4: "U.S. officials who have seen the IDF report found inconsistencies among the statements of those observing the incident." (2005 Report)
"U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses." (2004 Report)

The Human Rights Report should clearly identify that U.S. officials that have seen the IDF report in fact emphasized that "inconsistencies worthy of note" existed between the testimonies of the IDF questioned.

The reference does not accurately reflect the statements made in the State Department memorandum by Richard LeBaron, Deputy Chief of Mission to the U.S. Embassy in Tel Aviv, written after reading the Israeli Advocate General's report; nor does the reference make it clear that the inconsistencies cited in the memorandum's "embassy observations of the report" were solely between the statements of IDF personnel involved in the incident – not between members of the IDF and international witnesses. The LeBaron Memorandum specifically mentions three "inconsistencies worthy of note," all relating solely to the IDF testimony. To illustrate this point we are including below the second, and most noteworthy, of these three listed inconsistencies:

"A second inconsistency deals with the standard practice that had been used with unauthorized civilian presence in the past. It appears that prior practice was to stop work whenever civilian protesters approached the bulldozers to lessen the chance of accident. The statement of Captain S.R., Sergeants Y.F. and E.V., and the ISM protesters all seem to indicate this. On this occasion, however, a decision was made to continue working despite the ISM presence, and both Captain S.R. and the bulldozer operators say that this was a result of an order to do so being given by Major S.R. As mentioned before, the incident that led to Rachel Corrie's death occurred five minutes after this order was given, according to Captain S.R."

The sentence in the Human Rights report may, in fact, lead readers to believe erroneously that the inconsistencies are only between IDF personnel and the international witnesses to the killing. This simply is not

the case. The fact that inconsistencies exist in the IDF testimony and that those inconsistencies have never been resolved, add credence to the view that the Israeli investigation was clearly insufficient.

We want to thank the Department for correcting the following error made in the 2004 Report:

The 2004 Human Rights Report referred to "*people involved in the accident*." Department Officials from DRL confirmed that the use of the term "accident" occurred by mistake and would be changed in the 2005 report. Hand notes apparently were copied incorrectly and should have read "incident." The State Department's own report *U.S. Citizen Deaths from Non-Natural Causes* (reporting period: October 01, 2003 to June 30, 2004) lists Rachel's killing as "other." Initially, this report did list Rachel's killing as "other accident," but the State Department changed the notation to "other," indicating the Department's agreement with the family that Rachel's killing should not be classified as an accident.

To date, the *Country Reports on Human Rights Practices* is the only publicly released statement of the findings of the U.S. government regarding Rachel Corrie's killing by the Israeli military.



* Photo of the Nasrallah family, taken in memorial to Rachel on the 2nd anniversary of her killing (March 2005), at the approximate location of where their family home once stood. The recently constructed wall, dividing Rafah, Gaza from Egypt, is seen behind them.

HELP SAUDI WOMEN GAIN THEIR RIGHTS

February 23, 2005

Her Excellency Dr. Condoleezza Rice
Secretary of State
Washington DC, USA

Your Excellency;

The Saudi Institute urges your Excellency to do all you can to persuade Saudi foreign minister Saud AlFaisal to appoint Saudi women diplomats.

Al-Faisal established and enforces a ban on women and Shia Muslims from Saudi diplomatic posts since he assumed his position in 1975. Today, there is not a single woman or Shia diplomat at Saudi Ministry of Foreign Affairs. Women make up 57 % of the population and Shia Muslims citizens are 20 %.

We urge your government and other civilized and progressive nations to focus on the Al-Faisal's bigotry against women. We encourage your Excellency to protest this bigoted policy and help bring an end to it.

Your protest is needed to bring down this hated policy of excluding women and Shia Muslims from the diplomatic corps.

In September 2003, the Saudi Institute sent hundreds of letters to nations participating in the annual UN General Assembly, including yours, urging assistance in pushing for Saudi women diplomats. Several members of the international community have brought the issue of women diplomats to the attention of AlFaisal in New York, and it started to pay off.

Since then, AlFaisal gave several "promises" to hire women in his ministry, but they remain unfulfilled promises. There is local support for appointing Saudi women diplomats as it was clear from local press coverage of the issue. Saudi newspapers such as Okaz, Al-Watan, and AsharqAlawsat ran few stories on the issue until the government put a halt on them.

On Tuesday October 8, 2003, Al-Faisal lost his cool during his weekly press briefing when local reporters twice asked him about the reasons behind not appointing women diplomats, and ambassadors, and if it was a taboo to discuss the matter.

Thus, international governments are urged to make an honorable and civilized stand against exclusion of women and Shia citizens. As apartheid in South Africa ended with international efforts, this bigoted policy will end much faster with your and other civilized nations' support for women diplomats.

- We recommend that your government appoint women diplomats to represent them in Riyadh in senior positions to further the rights of Saudi women in assuming senior government positions, including diplomats and ministers.
- We also urge you to inform your president, prime minister and other senior members of your government of Al-Faisal's bigoted policy.
- We also urge your women officials and politicians to stand up for their Saudi sisters who need their support in gaining some of their rights.
- We urge your governments to include Saudi women rights in the agendas of this and future meetings between your governments and Saudi officials.
- We urge your government to employ the influence of UN Secretary General Kofi Annan and the members of the Security Council to declare their position on the bigoted policy of gender and religious exclusion. Maintaining silence in this matter reflects agreement and tacit support of bigotry. The UN is particularly influential in ending this silence.
- We also urge you to help your ambassador to Riyadh to include this issue as part of her/his duties in the country.
- We urge you to enable members of the media to ask Al-Faisal and all Saudi diplomats about the minister's bigoted policy of exclusion against women and Shia, and a timetable for including women in diplomacy.

Al-Faisal, like other Saudi ministers, designs his own ministry's policies and they largely reflect his personal belief system. Al-Faisal's bigoted beliefs against women and Shia are behind his ban on the two social groups, who make the majority of the country combined.

Unlike Al-Faisal's ministry, Saudi ministries of education, information and health appoint women in senior positions. In Washington Dr. Nayla Al-Sowail leads the Saudi Press Agency (Information Ministry) for the past two decades and in London Dr. Siham Al-Turky (Health Ministry) is the medical attaché at the Saudi embassy.

The Saudi Embassy in Washington and UN mission are perfect examples of excluding all women and Shia Muslims from diplomatic posts. Both missions never had any Shia or women diplomats in its entire history. In comparison, neighboring

countries such as Yemen and Bahrain appointed women ambassadors and many diplomats.

Women in Saudi Arabia are still treated by the government as minors who must attain the approval of their male relatives for travel, property purchase, marriage, hospital and college admission, and even purchasing mobile phones among other daily activities enjoyed by women in your country and around the world.

Please accept my best wishes.

Sincerely,

ALI AL-AHMED, *Director*

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HYPOCRISY MOST HOLY

MUSLIMS SHOULD SHOW SOME RESPECT TO OTHERS' RELIGIONS.

God and Man

By Ali al-Ahmed

Friday, May 20, 2005 12:01 a.m. EDT

With the revelation that a copy of the Quran may have been desecrated by U.S. military personnel at Guantanamo Bay, Muslims and their governments—including that of Saudi Arabia—reacted angrily. This anger would have been understandable if the U.S. government's adopted policy was to desecrate our Quran. But even before the Newsweek report was discredited, that was never part of the allegations.

As a Muslim, I am able to purchase copies of the Quran in any bookstore in any American city, and study its contents in countless American universities. American museums spend millions to exhibit and celebrate Muslim arts and heritage. On the other hand, my Christian and other non-Muslim brothers and sisters in Saudi Arabia—where I come from—are not even allowed to own a copy of their holy books. Indeed, the Saudi government desecrates and burns Bibles that its security forces confiscate at immigration points into the kingdom or during raids on Christian expatriates worshiping privately.

Soon after Newsweek published an account, later retracted, of an American soldier flushing a copy of the Quran down the toilet, the Saudi government voiced its strenuous disapproval. More specifically, the Saudi Embassy in Washington expressed "great concern" and urged the U.S. to "conduct a quick investigation."

Although considered as holy in Islam and mentioned in the Quran dozens of times, the Bible is banned in Saudi Arabia. This would seem curious to most people because of the fact that to most Muslims, the Bible is a holy book. But when it comes to Saudi Arabia we are not talking about most Muslims, but a tiny minority of hard-liners who constitute the Wahhabi Sect.

The Bible in Saudi Arabia may get a person killed, arrested, or deported. In September 1993, Sadeq Mallallah, 23, was beheaded in Qateef on a charge of apostasy for owning a Bible. The State Department's annual human rights reports detail the arrest and deportation of many Christian worshipers every year. Just days before Crown Prince Abdullah met President Bush last month, two Christian gatherings were stormed in Riyadh. Bibles and crosses were confiscated, and will be incinerated. (The Saudi government does not even spare the Quran from desecration. On Oct. 14, 2004, dozens of Saudi men and women carried copies of the Quran as they protested in support of reformers in the capital, Riyadh. Although they carried the Qurans in part to protect themselves from assault by police, they were charged by hundreds of riot police, who stepped on the books with their shoes, according to one of the protesters.)

As Muslims, we have not been as generous as our Christian and Jewish counterparts in respecting others' holy books and religious symbols. Saudi Arabia bans the importation or the display of crosses, Stars of David or any other religious symbols not approved by the Wahhabi establishment. TV programs that show Christian clergymen, crosses or Stars of David are censored.

The desecration of religious texts and symbols and intolerance of varying religious viewpoints and beliefs have been issues of some controversy inside Saudi Arabia. Ruled by a Wahhabi theocracy, the ruling elite of Saudi Arabia have made it difficult for Christians, Jews, Hindus and others, as well as dissenting sects of Islam, to visibly coexist inside the kingdom.

Another way in which religious and cultural issues are becoming more divisive is the Saudi treatment of Americans who are living in that country: Around 30,000 live and work in various parts of Saudi Arabia. These people are not allowed to cele-

brate their religious or even secular holidays. These include Christmas and Easter, but also Thanksgiving. All other Gulf states allow non-Islamic holidays to be celebrated.

The Saudi Embassy and other Saudi organizations in Washington have distributed hundreds of thousands of Qurans and many more Muslim books, some that have libeled Christians, Jews and others as pigs and monkeys. In Saudi school curricula, Jews and Christians are considered deviants and eternal enemies. By contrast, Muslim communities in the West are the first to admit that Western countries—especially the U.S.—provide Muslims the strongest freedoms and protections that allow Islam to thrive in the West. Meanwhile Christianity and Judaism, both indigenous to the Middle East, are maligned through systematic hostility by Middle Eastern governments and their religious apparatuses.

The lesson here is simple: If Muslims wish other religions to respect their beliefs and their Holy book, they should lead by example.

Mr. al-Ahmed is director of the Saudi Institute in Washington.

GREEK AMERICAN ORGANIZATIONS' POLICY STATEMENT ON TURKEY'S SUPPRESSION OF THE RELIGIOUS FREEDOM OF THE ECUMENICAL PATRIARCHATE

WASHINGTON, DC—American Hellenic Institute president Gene Rossides announced today that the major Greek American membership organizations endorsed the policy statement on Turkey's Suppression of the Religious Freedom of the Ecumenical Patriarchate prepared by the American Hellenic Institute. These are: the Order of AHEPA, the Hellenic American National Council, the Cyprus Federation of America, the Panepirotic Federation of America, the Pan-Macedonian Association of America, the Evrytarian Association of America and the American Hellenic Institute. The endorsed statement, which is part of the 2005 Greek American Policy Statements, follows:

Turkey's Suppression of the Religious Freedom of the Ecumenical Patriarchate

Turkey's restrictions on the religious freedom of the Ecumenical Patriarchate and its brutal assaults against its Kurdish minority reveal that democratic norms have still not taken root. In view of Turkey's horrendous human rights record, U.S. policy toward Turkey should be driven by forceful incentives for democratic reform. These include an arms embargo and economic sanctions.

His Eminence Archbishop Demetrios, Primate of the Greek Orthodox Archdiocese in North America led a panel discussion at the U.S. Helsinki Commission on March 16, 2005 which presented "a clear picture of how religious human rights violations by the Turkish government have been working to exterminate the Ecumenical Patriarchate and the Orthodox Christian community in that country." The panel briefing "highlighted Turkey's systemic efforts to undermine the Orthodox Church, violating numerous international treaties to which it has agreed."

U.S. Helsinki Commission Co-Chairman Congressman Christopher H. Smith (R-NJ) stated: "The concern of this Commission in the protection of religious rights and freedoms. Turkey's treatment of the Ecumenical Patriarchate violates its obligations under international human rights law." Mr. Smith blamed Turkey for systematically attempting to prevent the activities of the Patriarchate by disallowing the opening of the Halki Theological School forcibly closed in 1971, destroying churches by creating hurdles preventing their repair, denying the Patriarchate the opportunity to purchase and or sell property and not recognizing the Patriarchate's "Ecumenical" status, in effect, denying its universal status.

We commend the Bush administration for its prompt and full support of the universality of the Ecumenical Patriarchate.

Archbishop Demetrios and Dr. Anthony Limberakis "detailed the severe restrictions on property ownership which have allowed the government to confiscate nearly 7,000 properties from the Ecumenical Patriarchate since 1936. Behind them stood placard-size photos of the most recently seized property, an orphanage on Buyukada island which once housed hundreds of homeless children."

We condemn Turkey's toleration of assaults against its Greek Orthodox religious minority, its continuing illegal closure of the Greek Orthodox Halki Patriarchal School of Theology in Istanbul and its illegal seizure of Greek Orthodox Church property. We call on the U.S. to press Turkey to enforce strictly the guarantees of religious freedom set forth in the Treaty of Lausanne, the UN Charter, and other international agreements. In accordance with U.S. law expressed in Section 2804 of the Fiscal Year 1999 Appropriations Bill, we urge the U.S. government to use its influence with the Turkish government to safeguard the Ecumenical Patriarchate,

its personnel, and its property, and to reopen the Halki Patriarchal School of Theology.

Turkey has a notoriously dismal human rights record, which is well documented in numerous credible reports. Of special interest is the November 1999 report "Arming Repression: U.S. Arms Sales to Turkey During the Clinton Administration," produced jointly by the World Policy Institute and the Federation of American Scientists. Other reports by Amnesty International, Human Rights Watch, and successive State Department Country Reports on Turkey have stated that "extrajudicial killings, including deaths in detention from excessive use of force, 'mystery killings,' and disappearances continued. Torture remained widespread." Thousands of political prisoners cram Turkish jails. Dozens of journalists have been assassinated, and many others are in jail.

Presidential Actions under the Religious Freedom Act of 1998 (22 USCA §6441, 6445)

Under the Religious Freedom Act of 1998, the President is obligated to oppose violations of religious freedom in any country whose government "engages in or tolerates violations of religious freedom and promote the right to religious freedom in that country". The Act further obligates the President to take one or more of 15 enumerated actions with respect to any such country. The following are among those enumerated actions under 22 USCA §6445:

1. An official public demarche.
2. A public condemnation to the country or within one or more multilateral fora.
3. The denial, delay or cancellation of one or more working, official, or state visits.
4. The withdrawal, limitation, or suspension of United States development assistance.
5. Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations
6. Direct the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations.
7. Order the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses, and not to grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations.
8. Prohibit any United States financial institution from making loans or providing credits totaling more than \$10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations.
9. Prohibit the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials found or determined by the President to be responsible for violations.

Given the obvious and egregious violations of religious freedom by the Turkish government, Congress should urge the President and the Secretary of State to invoke the foregoing provisions of the Act against Turkey.

SUGGESTIONS TO IMPROVE SAUDI RELIGIOUS FREEDOM

FEBRUARY 3, 2006

Education: End Wahhabi monopoly of teaching religion in Saudi schools. Materials about Muslim and non Muslim denominations must be authored by their followers, or at least approved by these denominations Saudi leaders. . The current curriculums are very narrow and only represent Wahhabi views of Islam. All official religious materials must include all Saudi understandings of Islam, currently they are excluded. Shia teachers are not allowed to teach religion in public schools.

Higher Education: Shia Islam and all non Muslim religions are taught as deviant groups in all education system from first grade through university. Shia Islam is taught as Jewish conspiracy. Christianity and Judaism are taught as eternal enemies. Shia Islam, and Christianity must be taught by their followers in all religious universities.

Employment: There exists a religious apartheid where Shia and Ismaili Muslims are not allowed to work as judges, imams, religion teachers, women schools principles, ministers, diplomats, and many other occupations.

Justice System: Is primitive, and runs without written regulations. Judges are appointed mostly from Najd region, but must be Wahhabi Muslims. No Shia, Ismaili or Hijazi judges are allowed. For perspective, imagine if African Americans were not allowed be judges in the US. This violates the Saudi "constitution", or what is called basic system of laws, which says all citizens are equal in rights and responsibilities.

Religious Institution: The official religious institution is purely Wahhabi, and all others are excluded. Represent all religious groups in the country in all official religious bodies, like the Senior Council of Clerics, The High Council for Justice, Fatwa Council, Ministry of Islamic Affairs and Endowments, Ministry of Hajj, World Muslim League and others.

All official religious bodies must include representatives of all Islamic schools i.e. Shia, (Jafari, Ismaili, Zaidi) Sunni (hanfay, Maliki, Shafey). Shia and non Wahhabi Sunnis must be allowed to enter all religious institutions. This is consistent with the basic system of laws of 1992.

Media: The government must uphold its basic law, and prohibit any type of media attacks against Shia from government agencies and/or Sunni scholars at work or at mosques. Changing government media policy towards Shia by permitting Shia to publish their books in the country freely, build their mosques, and have their own journals and magazines. Such magazine is Al-Kalemah intellectual www.kalemah.net, which publishes now from Beirut, and is banned because its owners are Shia.

Radio Television Programs: There are two radio stations completely under the control of Wahhabi clerics. Shia religious scholars are not allowed to speak on television or radios. Imagine American television not shown a single black priest, or a Jewish rabbi. While indigenous Saudi Shia's are barred from expressing their religious views on television, an anti-Shia cleric from Syria has his own program on official channel 2.

Books: Revising books that are taught in schools and universities to remove any information that considers Shia as non Muslims, and remove information that insults other religions, Christianity and Judaism. Remove all barriers to print all religious books, produce, especially by minorities. Abolish ban on Shia teaching religions in government schools and universities.

Holy Cities (Makkah and Madina): Through all Islamic history, the two holy mosques in Makka and Madina were open to all Islamic schools to teach their understanding of Islam. Halqas or circles of religious learning were plenty. The substantial Shia community in Madina is not allowed to hold any congregational gathering. Their old mosque was confiscated, their elderly leader; Shaikh Mohamed Ali Al-Amri, 94, was arrested many times on the direct orders of Prince Naif.

Islamic Landmarks: Most Islamic landmarks especially in Hijaz have been destroyed. Ancient mosques razed, houses of the Prophet Mohamed razed, Islamic battlefields ruined, and most Islamic buildings destroyed.

Places of Worship: Saudi Arabia is the only country without a church. It also rarely allows its Shia citizens to build their own mosques. At least 10 Shia mosques have been confiscated in the past two decades. Allow Non-Muslims to worship freely without fear of prosecution, and let them build their worship houses (Churches). The same goes to the hundreds of thousands of Hindus and Buddhist in the country. Saudi government must allow Christian professors to teach Saudi university students about Christianity. Note that there were never any public attacks on non Muslim worshipers. All attacks are by government officials or forces.

Religious Police: Curtail the activity of the Committee for Promotion of Virtue and Prevention of Vice, or what is known as religious police. Abolish religious police altogether at least in Shia areas. Shia do not recognize such practice.

US Actions: The concept of reciprocity is the easier leverage the US can capitalize on. Saudi diplomats here spreading Wahhabi Islam in the US, can be matched by Americans spreading tolerance and religious freedom. The US can raise the issue of religious pluralism in all Saudi religious missions and organizations to US. In addition many Saudi diplomats are in the US to spread certain religious understanding in contradiction of Saudi and American laws. Spreading hate or waging war against other religions violates diplomatic credentials. A simple review of these diplomats would show that.

- The US can ban entry to official religious extremists, and entities who espouse hate against other Muslims and non Muslims.
- Help to enroll all Saudi official clerics into tolerance seminars towards Shia, non Wahhabi Sunni and non Muslims. Imagine American religious leaders from Muslims, Christian, and Jewish faiths lecture in Saudi universities about their religions.
- The senior Saudi clerics meet publicly with Saudi and non Saudi religious leaders from all Muslims and non Muslim faiths.
- Allow public visitations by non Muslim religious leaders to their followers in the country.

With Best Regards

ALI AL-AHMED

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Property Rights – the duty to restitute or adequately compensate WWII and post WWII confiscations

"No other rights are safe where property is not safe." -- Daniel Webster

Throughout history, property has enjoyed a mixed reputation, being identified sometimes with prosperity and freedom, sometimes with moral corruption, social injustice, and war.

There have been attempts to separate property rights from other rights. It has usually been done by classifying some rights as human rights and referring to others as rights of property. This distinction has been accompanied by the claim that human rights are superior to property rights.

This differentiation is not only somewhat surprising considering the various International Human Right Conventions (cf. Art. 17 of the Universal declaration of Human Rights, Art. 21 of the American Convention on Human Rights and Art. 1 of Protocol 1 to the European Convention on Human Rights) which protect property rights but alarming at the same time because it may well help communism to come back through the backdoor. One should not forget that the loss of property rights either preceded or coincided with the loss of other rights, such as freedom of speech, freedom of press, freedom of religion etc..

Taking a closer look one could even assert that there is causal connection between property and other rights.

"Our right to life stems from the fact that it is **our own** life. Our right to the disposal of our time stems from the fact that it is **our own** time. Our right to the use of our faculties stems from the fact that they are **our own**. Remove from them the concept of private property and the claim to them goes as well" (cf. Professor L.J.M. Cooray, Freedom of the Individual and Property Rights).

However, generally the driving force behind conferring human rights protection upon certain rights is that those rights are so fundamental to all persons in a civilised society, that the rights are **worthy of special protection**.

The protection of property has become a fundamental issue in all civilised societies. This is not just a recent development but a process, which started centuries ago. The Virginia Bill of Rights 1776 and Déclaration des Droits de l'homme et du citoyen 1789 (copies available under <http://www.projusticia.net/index3.php>) were the first catalogues of rights to adopt the following rights as being inalienable human rights and which have since formed the core of human rights: right to life, freedom, property and legal protection etc. Also various subsequent constitutions (in particular the American (1791), Norwegian (1814), Swiss (1874), Finnish (1919), Danish (1920) and German (1919) Constitution) clearly stipulated that expropriations were only permissible under due process of law and against adequate compensation. The inviolability of private property actually dates back to the 1251 Magna Carta. The document prohibits the outright confiscation of enemy property emphasising that private property must be protected by law, not power, to facilitate trade and investment. Otherwise, investments would be made only in powerful countries, thus restricting trade.

Henceforth International Customary Law has considered these maxims as "minimum standards" of law (decision No.7 of the International Court of Justice (1926), Hague Convention on Warfare, Geneva Convention relative to the protection of Civilian Persons in the time of War, Nuremberg Charter) and has subsequently expressly enshrined these principles in the above-mentioned Conventions.

Regardless of the numerous debates on whether this particular Human Right is inferior to the Right of Life, one ought particularly bear in mind that the deviousness and unbridled will to destroy well established social structures during and after World War II were so compelling that one cannot help but be indebted to treat both rights in this specific case as equals, for the victims of mass confiscations never received

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compensation and had no legal means to challenge these takings. Rather the property was simply taken by physical seizure; the former owners and occupants were removed by use of force or threat of force, and were subsequently required to leave the area in which the property was situated, eliminating thereby their means of support, endangering thus their **lives**.

It is inconceivable that arbitrary conduct, the antithesis of lawful conduct should in the present so-called century of Human Rights be regarded as legally effective by any judicial, executive or legislative body governed by the elementary principles of the rule of law.

Alexandra Mareschi
Secretary-General

31st July 2002

Cooperating Organisations:

Bund enteigneter/arisierter Juden durch die Bundesrepublik Deutschland; Schutzgemeinschaft Eigentum in Deutschland [Germany]; Savez Udruzenja Za Zastitu i Unapredenje Vlasnistva i Vlasnickih Prava U Republici Hrvatskoj [Croatia]; Lega Nazionale D'Istria Fiume Dalmazia [Italy]; Zdruzenje Lastnikov Razlascenega Premozenja [Slovenia]; American Owners of Property in Slovenia [USA]; Focus Group [USA and Canada]; Committee for Private Property Inc.[USA, Europe]; The Czech Coordinating office [USA, Europe]; International Democracy Action Council [USA]; Te Dehna Te Shkurtera Te Aktiviteti Te Shoqates Kombetare Te Te Shpronuesuarve "Pronesi Me Drejtësi" [Albania]; Lietuvos Zemes Savininku Sejunga [Lithuania]; Association for Restitution of Private Property in Macedonia [USA]; Hrvatska udruga vlasnika otudene imovine za vrijeme fasistickog i komunistickog redima; Club Autoktonja [Croatia]; Associazione Culturale Giuliana; Gruppo Memorandum 88 [Italy]; Human Rights for Minorities, in Central Europe, Vancouver Society [Canada]; ProKarelia, Tarton Rauha ry, Aluepalautus ry [Finland]

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BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE

**Prepared Statement of Alexandra Mareschi,
Secretary-General of the
International League of Victims of the Abuse of Power**

The European Court of Human Rights and the Restoration of Property Rights after the transition process of formerly totalitarian communist regimes

As Secretary General of the International League of Victims of Abuse of Power Foundation LTD with seat in South Yarra, Australia and European Office in Cologne, Germany, I represent the following organizations: Bund enteigneter/arisierter Juden durch die Bundesrepublik Deutschland; Schutzgemeinschaft Eigentum in Deutschland [Germany]; Savez Udruzenja Za Zastitu I Unapredenje Vlasnistva I Vlasnickih Prava U Republici Hrvatskoj [Croatia]; Lega Nazionale D'Istria Fiume Dalmazia [Italy]; Zdruzenje Lastnikov Razlascenega Premozenja [Slovenia]; American Owners of Property in Slovenia [USA], Focus Group [USA and Canada]; Committee for Private Property Inc.[USA, Europe]; The Czech Coordinating office [USA, Europe], International Democracy Action Council [USA], Te Dehna Te Shkurtera Te Aktiviteti Te Shqates Kombetare Te Te Shpronesuarve "Pronesi Me Drejtisi" [Albania]; Lietuvos Zemes Savininku Sajunga [Lithuania], Association for Restitution of Private Property in Macedonia [USA], Hrvatska udruga vlasnika otudene imovine za vrijeme fasistickog i komunistickog redima, Club Autoktonja [Croatia] Associazione Culturale Giuliana; Gruppo Memorandum 88 [Italy]; Human Rights for Minorities, in Central Europe, Vancouver Society [Canada], ProKarelia, Tarton Rauha ry, Aluepalautus ry [Finland].

In connection with the Committee's review of the Annual Country Reports on Human Rights I wish to draw the attention of the Committee to the failure of the European Court of Human Rights to protect the property rights of those whose properties were seized by the communist regimes of the reorganized Eastern European countries, viz. Croatia, Czech Republic, Germany, Latvia, Lithuania, Romania, Slovenia, Slovakia etc.

One ought to bear in mind that the European Convention on Human Rights was introduced as a reaction to the atrocities committed during the Second World War. To guard, so to speak, against the rise of new dictatorships and prevent further human rights abuses in Europe. Such a commitment was reiterated in the Council of Europe resolution No. 1096 (1996) on measures to dismantle the heritage of former communist totalitarian systems.

The resolution of property claims is one of the most complex and important challenges a post-totalitarian government can face. It is very complex, because of the infinite domestic and international rules affecting individual rights and the prevailing absence of documentary evidence to support the victims claims. Resolution is

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obviously important to the many individuals who were deprived of their homes and of the material and symbolic security associated with their homes. The process of restoring property rights and compensating losses of property is also of great significance to the international community at large. The restoration of property rights is a crucial part of reversing the destructive effects of totalitarian regimes as well as the impact of the latter on society and individuals. In fragile post-conflict societies, the protection of property rights constitutes a primary condition precedent to the long-term social and economic stability of the region.

Therefore, one would assume that the European Convention on Human Rights would play a vital role in the resolution of such conflicts.

However, it is certifiable that the Convention, especially the European Court of Human Rights, is unfortunately inept to resolve such property claims, c.f. ECHR decision *von Maltzan and others* (No. 7191/01, 2nd March 2005). This unsatisfactory situation is mainly attributable to three factors: i.e. due to admissibility provisions, a doubtful legal concept which the European Court's case-law meanwhile has developed (rights in rem – instantaneous act and ill-prepared former socialist judges, who are hostile to the concept of private property.

It is generally known that the European Convention confers positive rights upon individuals and if a State violates any of these rights, the individual is able to bring an action against the State in the European Court of Human Rights. Cases brought before the European Court however, must comply with the grounds of admissibility. Art 53(3) requires the Court to declare inadmissible any application which it considers incompatible with the provisions of the Convention or the protocols. The Concept of incompatibility with the conventions has four aspects to it: *ratione loci*, *ratione materiae*, *ratione temporis*, *ratione personae*.

Most property restitution claims are declared inadmissible on the grounds of *ratione temporis*; complaints against a state which had not ratified the Convention or accepted the right of individual petition at the relevant date will be declared inadmissible.

However, where events complained of started before the entry into force of the Convention and continued afterwards, the latter part can be subject of a complaints, although the Court may also take facts into account which have occurred before the entry into force of the Conventions, ECHR decisions *Krenz v Germany*; *Loizidou v Turkey*; *Agrotexim v Greece*; *Malama v Greece*.

The International community acknowledges that when property has been taken by a state without compensation it is illegal and remains illegal as long as it is not in conformity with the international obligations, cf. *UN A/CN.4.L602, Responsibility of States for internationally wrongful acts*.

Conversely, the European Court of Human Rights maintains that the deprivation of ownership is in principle an 'instantaneous act' and does not produce a continuing situation of 'deprivation of right'. The latter seems somewhat legally doubtful, for it is unprecedented that one moment an act can be illegal and in next moment without taking any further legal action all illegal effects of the property seizures can suddenly cease. What is more there is no known legal principle that the holder of existing rights **who has had no effective judicial remedy** at his disposition should lose his title just because he has been unable to exercise his ownership rights over his property due to state prevention (reference is made to the Court's own case-law *Loizidou v Turkey No. 19918/92 para.41 and Brumarescu v Romania application no. 28342/95 para 71 seq.*).

Through this implausible stance the European Court perpetuates totalitarian violations, creates a climate of impunity and unjustly enriches post-totalitarian governments at the expense of the victims. Thus the Convention totally fails to fulfill the goals it set out to accomplish.

Submitted by
Alexandra Mareschi
Secretary-General
January 2006

**Response to Question for the Record Submitted by Representative Christopher H. Smith,
Subcommittee on Africa, Global Human Rights, and International Operations,
for the Hearing “Monitoring Respect for Human Rights Around the World: A Review of the
Country Reports on Human Rights Practices for 2005” held on March 16, 2006**

Question: You mention in your testimony that a Human Rights First researcher was recently in Aceh, Indonesia. Besides the apparent collusion between a radical Muslim group and the government police and military, did your researcher note other areas of concern for human rights in this region?

AREAS OF CONCERN IN ACEH

Human Rights First was last in Aceh in January and February 2005, and has continued to follow developments in the province through contacts in Jakarta and Aceh.¹ Most human rights abuses in the province were connected to the long-running conflict between government security forces and the Free Aceh Movement (*Gerakan Aceh Merdeka*, or GAM). The recent peace process has had a significant and positive effect on the rights environment over the last year, although some concerns remain.

The tentative cease-fire that followed the tsunami led, with international support, to a Memorandum of Understanding (MoU) in August 2005 and the arrival of an international Aceh Monitoring Mission (AMM). GAM fighters turned in weapons and agreed to drop their demand for independence. The Indonesian government withdrew more than 25,000 troops and released 1,700 accused GAM members or supporters from prison. Local elections have been delayed but are expected later this year, possibly in August.

In surveys and anecdotal reports the Acehnese public expresses relief that the violence has ended but remains somewhat guarded about what the future will bring. These concerns are based in part on memories of the failed Cessation of Hostilities Agreement (COHA) signed in 2002, as well as a number of unresolved issues that could impact the human rights environment:

Proposed Law on the Government of Aceh: The MoU calls for national legislation to replace a largely unimplemented 2001 special autonomy law and to enact the terms of the memorandum in political, social, and economic spheres. The MoU also includes explicit human rights provisions such as the creation of a human rights court and a truth and reconciliation commission. In preparing a draft of the law, the provincial government consulted with Acehnese civil society, but the resulting draft was then substantially modified by ministries in Jakarta fearful of yielding too much power. The proposed law is now under discussion by parliament, where it may be further weakened by nationalist parties. For instance the party PDI-P is opposed to the creation of the local political parties that will play an

¹ For findings from that visit, see “Civil Society and Human Rights in Aceh after the Tsunami,” a briefing to the Congressional Human Rights Caucus, at www.humanrightsfirst.org/defenders/pdf/aceh-briefing-021005.pdf. The briefing discusses the impact of the tsunami on human rights defenders and outstanding human rights issues including treatment of internally displaced persons and the role of the military in relief and reconstruction.

important role in transforming an armed movement into a non-violent political one. The law may be finalized by the end of May, paving the way for elections later this year.

The parliamentary committee will have to resolve a number of important differences between the draft delivered by Acehese authorities and the version the Department of Home Affairs then submitted, including:

- The question of whether independent candidates, including former GAM members, can run in the upcoming local elections without joining existing national parties. (Local parties will eventually be allowed, but will not be in place in time for the elections).
- The balance of power between Aceh and Jakarta in key areas such as security and economic policy.
- Whether criminal acts by members of the military would be handled by a civil court as stated in the MoU. In the Department of Home Affairs draft, this clause was deleted, leaving such crimes under the jurisdiction of military courts.

Ongoing human rights violations: While the end of the conflict significantly reduced human rights abuses, they have not disappeared. The Aceh NGO Human Rights Coalition reported more than 220 human rights violations in 2005, though only 79 of those took place after the signing of the MoU. Although the AMM's mission includes monitoring of the legal process, rights groups are concerned that monitoring of legal actions against security forces accused of abuses has not been adequate. While most GAM members and supporters charged with treason (*makar*) were given amnesty, approximately 90 of those charged with ordinary criminal offenses remain in jail, despite claims that their actions—and prosecution—were politically motivated.

Demobilization and reintegration: Former GAM fighters, originally estimated at 3000, must be reintegrated economically and socially. Funds have been allocated but there are concerns over transparency and whether the funds will be adequate to cover what may be a much larger than estimated number of ex-combatants and their supporters. The failure to carry out this step effectively could destabilize a post-conflict environment on the eve of elections. There is also a need to reintegrate people displaced by the conflict, prior to the tsunami.

The need to acknowledge and disband militias: As in East Timor, the military created local militias to help fight insurgents. One Indonesian NGO estimated there are tens of thousands of members in more than 21 pro-Jakarta groups throughout the province, and especially in South and Central Aceh. Many have taken part in police and military operations in the past, although not all are armed. Because the government does not acknowledge their presence, they have not been formally included in demobilization plans and remain a potential source of communal violence and crime.

Maintaining a robust international monitoring mission: In March the AMM reduced the number of monitors significantly but extended its mission until June 15, 2006, based on agreement from both parties. The progress to date would not have been possible without international monitors, and it is essential that the Government of Indonesia agree to extend the AMM at least until local elections are held and ideally until all the points in the MoU have been achieved.

Implementation of syariah law: Implementation of syariah law was one of the few special autonomy provisions implemented prior to the MoU, and will be further elaborated by the new law. The move has been well-received by some religious groups, but has also led to infringement of rights by *syariah* police, including intimidation of women due to their dress and the introduction of caning.

Corruption: The Indonesian government moved quickly to create a new agency headed by the well-respected Dr. Kuntoro Mangkusubroto to implement reconstruction in Aceh and nearby Nias. However, there were bound to be problems due to the infusion of unprecedented funds to what may be the most corrupt province in a country that regularly ranks among Transparency International's most corrupt nations. An accountant with an Acehese anti-corruption organization recently estimated that as much as 40% of all the aid funds have been "tainted by graft."² Several leading international NGOs also recently acknowledged that their house-building projects had been hampered by significant corruption, requiring corrective measures. One Indonesian NGO engaged in housing construction told Human Rights First that due to shortages it buys illegal timber from members of the military, paying 40% over normal prices.

SUMMARY OF OTHER HUMAN RIGHTS ISSUES IN INDONESIA

Impunity

Despite peace in Aceh and progress on democratization, Indonesia's overall progress has been hampered by continuing impunity for serious human rights violations. Only 18 soldiers, militia, and civil servants were prosecuted for the extensive crimes against humanity that took place in East Timor in 1999, before and after the referendum that led to the territory's independence. Of those, 17 defendants were acquitted at first instance or on appeal, in proceedings that a United Nations expert commission described as "manifestly inadequate." Many of those implicated in rights abuses in East Timor have been promoted and continued to direct policy and operations in Aceh and Papua.

The Indonesian government recently initiated a bilateral Truth and Friendship Commission with East Timor. While credible commissioners and staff have joined the body, the commission's Terms of Reference emphasize the provision of amnesties and do not allow the commission to recommend prosecutions or other forms of accountability. The Terms of Reference also do not provide for adequate protection of witnesses or safeguarding of testimony previously collected by the Commission for Reception, Truth and Reconciliation or by the UN-backed Serious Crimes Unit, both in East Timor. Donor countries, including the United States, should exercise caution in any support for what may prove to be yet another mechanism for impunity.

In a case from 2004 that Human Rights First has closely followed and reported on, Indonesia's leading human rights defender Munir Said Thalib was poisoned with arsenic while flying to the Netherlands to study humanitarian law.³ In December 2005 a court sentenced a lone defendant, a pilot for the state

² Michael Sheridan, "Massive fraud hits tsunami aid," The Sunday Times (London), April 16, 2006.

³ For Human Rights First's summary of the investigation into Munir's death and the first part of the trial, see White Paper on Munir Murder Investigation and Trial: http://www.humanrightsfirst.org/defenders/hrd_indonesia/letters/munir-white-paper-090605.pdf

airline Garuda named Polycarpus, to 14 years for murder. But Polycarpus made 41 calls to senior intelligence officials around the time of the murder and is suspected of being an agent for the State Intelligence Agency BIN.

An official fact-finding team created by the president was unable to get access to these senior officials before the end of its mandate, and the final report handed over to President Yudhoyono was never released. In October 2005, you joined almost 70 members of Congress in signing a letter calling on the Indonesian president to release the report and respond to its recommendations, including the creation of a follow-up mechanism with a robust mandate.

Munir is just the most recent of a long list of slain human rights defenders whose cases have not been resolved. In most cases no one has been held accountable, such as for the deaths of staff of Rehabilitation Action for Torture Victims in Aceh (RATA) and Legal Aid and Human Rights Post (*Pos Bantuan Hukum dan HAM*, or PB-HAM), as well as the New York-based activist Jafar Siddiq Hamzah. All were killed for their human rights work in Aceh.

In another sign of impunity, the conviction of 12 soldiers for their role in a 1984 massacre of demonstrators in Tanjung Priok, Jakarta, was overturned on appeal in 2005. The Tanjung Priok case had been the only major human rights incident from the Soeharto era to result in accountability.

Papua

As troop levels are drawn down in Aceh, they are increasing in Papua, along with resentment of government policies and practices. Operations in the Central Highlands have increased significantly over the last 12 months. Recent demonstrations, including one that led to the death of three policemen and an air force officer in Abepura, indicate dissatisfaction with the promised special autonomy. Anger over the Freeport copper and gold mine was a proximate cause of demonstrations in Abepura as well as Timika, but underlying concerns about resources and autonomy must be dealt with.

Following the demonstrations in Abepura, at least 16 suspects were detained following police raids. While it is appropriate to prosecute those responsible for carrying out the violence, Human Rights First is concerned detainees may not be allowed full access to counsel, may be exposed to ill-treatment, torture, or excessive force, or may have been targeted for their nonviolent participation in the demonstration. These concerns are especially high due to the government's restrictions on foreign journalists and human rights monitors.

Lack of accountability for past abuses also raises local anger. For example, two policemen were charged in a special Human Rights Court for their role in a 2000 attack on students in Abepura that caused three deaths (two of them due to torture) and injured more than 100. The trial ended in acquittals in 2005. The assassination of Papuan political leader Theys Eluay also remains a source of contention, despite the conviction of several low ranking members of the special forces branch *Kopassus*.

Military Reform

There were some positive reforms in the first years of the *reformasi* period after the fall of Soeharto, including the separation of the military from the police and the elimination of their automatic seats in parliament. Since then, however, reform efforts have stagnated. Prohibitions on serving members of the military occupying positions in the executive branch or running for local office were relaxed, and other efforts to ensure genuine civilian control of the military have been half-hearted at best. Talk of dismantling the territorial command structure, which places soldiers down to the local level and is the basis for much of the army's political and economic influence, has virtually evaporated. Despite some initial steps to reduce the military's business empire, such as an inventory and divestment of a few key holdings, the process remains halting, full of exceptions, and far from transparent.

In light of continued impunity and the stagnation of military reform, efforts by the Administration to significantly increase military ties with Indonesia are sending the wrong message. As in years past, Congress placed restrictions on military funding to Indonesia for Fiscal Year 2006 conditioned on accountability for past crimes and greater civilian control of the military. The State Department then waived the restrictions within days of their passage, citing national security concerns. The State Department promised that assistance would be "guided by progress on democratic reform and accountability, and carefully calibrated" to encourage continued reform. However, the Administration has moved swiftly, announcing that it is ready to consider lethal arms exports to Indonesia's military and requesting a more than six-fold increase in Foreign Military Financing for Indonesia for 2007.

Human Rights First joins many Indonesian and American human rights organizations in believing that the State Department waiver was premature and will undermine efforts to reform the Indonesian military with regard to accountability, civilian control, and financial transparency.

